



Agenda

School Board Exempt Shade Meeting and Workshop

January 27, 2023

School Board of Manatee County

Workshop - 9:00 AM

Walter Miller School Support Center

Board Room

Times Indicated are Approximate

I. CALL TO ORDER

II. EXEMPT SHADE MEETING

1. [Exempt Shade Meeting](#)

III. PUBLIC COMMENTS

Public comment is not an open forum to discuss matters unrelated to education, to support or oppose candidates for public office, or to engage in commercial speech attempting to sell a service or product to the School Board or public. Also, public comment is not a forum to attack individual school system employees or Board Members. Any such complaints should be submitted in writing to the Superintendent for appropriate handling. Finally, this is not a forum for addressing issues involving individual students. Because of privacy concerns, such issues should be submitted in writing to the Superintendent for appropriate handling. Each speaker is allowed three minutes to address the Board. Speakers must stand at the podium and not approach the dais.

This is a business meeting of the School Board and the public expects that we conduct it in an orderly, efficient, effective and dignified manner. We request that speakers keep this in mind when making your comments. We also request that the audience keep that in mind and not demonstrate approval or disapproval of what a speaker has said by clapping or booing. The Board appreciates the public's input and will listen attentively, consider each comment, and usually will not respond, enter into debate, or answer questions during comments on agenda items or during the public comments section.

PUBLIC INPUT INSTRUCTIONS:

1. Before you begin speaking, please provide any handouts to the Agency Clerk.
2. Please identify yourself only by your full name for the record.
3. You have no more than three minutes to speak. Please stop speaking when the bell rings.
4. Florida Law requires all citizens to conduct themselves in an orderly fashion at public meetings.
5. **WARNING:** Any individual who interferes with the expeditious or orderly process of a School Board meeting, will be subject to removal from the meeting pursuant to Section 1001.372(3) Florida Statutes at the discretion of the Chair. Orderly fashion is deemed as, at a minimum (1) no profanity (2) no vulgar language (3) no discourteous, disrespectful, or disparaging conduct.

IV. WORKSHOP

1. Budgeting Review Presentation
2. Discussion of Procedure for Media Center Materials

V. BREAK | Approximately 1 Hour

VI. WORKSHOP CONTINUED

1. Board Discussion with Florida School Boards Association (FSBA) Regarding Superintendent Search
2. Review and Board Discussion of Proposed Amendments to Bylaw and School Board Policies

VII. ADJOURNMENT



**School Board of Manatee County
January 27, 2023 - Workshop**

Title

Exempt Shade Meeting

Executive Summary

The Workshop will begin at 9:00 a.m. and will open in public. At 9:00 a.m., or as soon thereafter is practical, the School Board will recess in order to hold an exempt Shade Meeting regarding the safety and security plan. Pursuant to section 281.301 and 286.0113, Florida Statutes the Shade Meeting is closed to the public.

Attending the Shade Meeting will be School Board Members Richard Tatem, Cindy Spray, Gina Messenger, Chad Choate III, and Mary Foreman; Cynthia Saunders, Superintendent of Manatee County Schools; Stephen Dye, School Board Attorney; Mitchell Teitelbaum, District General Counsel; Doug Wagner, Deputy Superintendent of Operations; Paul Damico, Chief of Safety and Security; Patrick Bartholomew, Director of Safety and Security; Rick Wells, of the Manatee County Sheriff's Office; Julio Jordan, of the Manatee County Sheriff's Office; and Stanley Schaeffer, of the Manatee County Sheriff's Office.

Following the exempt Shade Meeting, the School Board will reconvene in public to close the Shade Meeting and continue with the Workshop.

Contact

Submitting Department: School Board



**School Board of Manatee County
January 27, 2023 - Workshop**

Title

Budgeting Review Presentation

Executive Summary

Ms. Rachel Sellers, Deputy Superintendent of Business Services, will present a light budget overview.

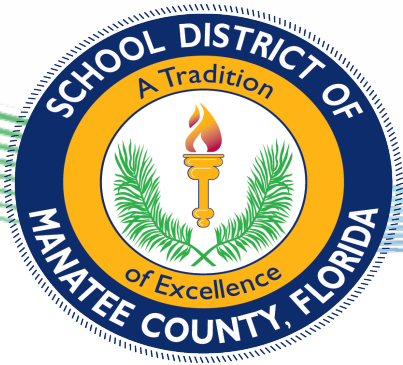
Contact

Submitting Department: Business Services

Initiated By: Rachel Sellers

Attachments:

[Jan 2023 Budget Presentation](#)



Budgeting Review

Board Workshop - January 27, 2023

Rachel P. Sellers
Deputy Superintendent of Business Services



Major Fund Types

- *General Fund*
 - *General Operating Fund*
- Special Revenue Funds
 - Restricted Funds
 - Generally Federal and/or State grants
- Capital Outlay Funds
 - Used to Report Capital Outlay Expenditures

Total 2022-23 Budget \$1,187,117,338 for all funds.

General Fund - Major Funding Sources



- Federal Direct
- Federal Through State
- State
 - *Florida Education Funding Program (FEFP)*
- Local
 - *Ad Valorem Taxes (Local Property Taxes part of FEFP)*
 - Required Local Effort (RLE)
 - Discretionary Local taxes (0.748 mill)
 - *Other Voter Approved Ad Valorem Taxes*
 - Manatee 1mill Property Tax for Operations (November 2021)
- Other

Manatee Original Budget 2022-23

General Fund Only



Source	Amount	Percent
Federal Direct (ROTC)	\$ 678,195	0.12%
Federal through State (Medicaid)	\$ 1,300,000	0.22%
State		
FEFP	\$189,302,723	32.67%
Other State	\$ 12,311,119	2.12%
Local		
Ad Valorem (RLE + DIS)	\$231,543,577	39.96%
Local Option Ad Valorem	\$ 57,569,263	9.94%
Other Local	\$17,100,069	2.95%
Other (Transfers in from Capital)	\$ 19,264,266	3.32%
Beginning Fund Balance	\$ 50,388,336	8.70%
Total Available Funds	\$579,457,548	100.00%

Summary of Millage - Levies for 2022-23



	Millage	Amount to be Raised @	Amount to be Raised @
Description	Rate	96.00%	100.00%
Gross Taxable Value		\$59,967,982,716	\$59,967,982,716
Required Local Effort (RLE)	3.274 ★	\$188,481,768	\$196,335,175
Capital Outlay	1.500	\$86,353,895	\$89,951,974
Discretionary Operating	0.748 ★	\$43,061,809	\$44,856,051
Additional Voted Operating	1.000 ★	\$57,569,263	\$59,967,983
Total	6.522	\$375,466,736	\$391,111,183

★ Ad Valorem included in the General Fund

Florida School Funding Formula



- In 1973, the Florida Legislature passed the Florida Education Finance Program (FEFP) with the following purpose:

"To guarantee to each student in the public school system the availability of programs and service appropriate to his educational needs which are substantially equal to those available to any similar student notwithstanding geographic differences and varying local economic factors."



School District of Manatee County - 2022-23 FEFP Formula

FTE Students 51,737.07	x	Program Weights	=	Weighted FTE Students 56,120.69	x	Base Student Allocation (BSA) \$257,448,053	x	District Cost Differential (DCD) 0.9937	=
Base Funding \$255,826,130	+	.0748 Mill Compression \$0	+	ESE Guaranteed Allocation \$20,525,824 <i>(PY Actual \$34,609,324)</i>	+	Department of Juvenile Justice (DJJ) \$152,947 <i>(PY Actual \$483,892)</i>	+	Funding Compression/ Hold Harmless \$1,455,045	+
Instructional Materials \$4,232,809	+	Mental Health Assistance \$2,399,453	+	Reading Allocation \$2,861,824	+	Safe Schools \$3,646,974 <i>(PY Actual \$4,791,856)</i>	+	Sparsity Supplement N/A	+
Student Transportation \$8,955,244 <i>(PY Actual \$15,074,750)</i>	+	Suppl Academic Instruction (SAI) \$12,746,432	+	Teacher Salary Increase \$13,607,402	+	Classroom Supply \$968,956	+	Turnaround Supplement N/A	=
Gross State and Local Funding \$327,379,040	-	Required Local Effort (RLE) \$188,481,768	=	Net State FEFP \$138,897,272	-	Proration to Available Funds \$(576,756)	=	Net State FEFP \$138,320,516	+
Class Size Reduction \$50,982,207	=	Total State Funding \$189,302,723	+	Required Local Effort \$188,481,768	+	Discretionary Local Effort \$43,061,809	=	Total FEFP Funding \$420,846,300	

FULL TIME EQUIVALENT (FTE)



- The primary basis for education funding is student enrollment. In general, one student is equal to one FTE. However, it's important to understand that FTE actually represents the hours of instruction provided to those students.
- In a standard school, a student must receive 900 hours of instruction (5 hours per day for 180 days) to equal one FTE. Nine hundred hours is the maximum number of hours of instruction that will be funded per student for the school year.
- Each year, FTE is estimated based on demographic and school district projections. Once the school year begins, FTE is revised by actual counts of students in October and February.

Program Weights



Program	Description	Weights x BSA 2022-23
101	K-3	1.126
102	4-8	1.000
103	9-12	0.999
111	ESE K-3	1.126
112	ESE 4-8	1.000
113	ESE 9-12	0.999
130	ESOL	1.206
254	ESE Level 4	3.674
255	ESE Level 5	5.401
300	Career Technical	0.999

Base Student Allocation (BSA)



- “Magic Number” determined annually by the Florida Legislature through the General Appropriations Act.
- This is the starting point for the funding model for all school districts.

Base Student Allocation (BSA)



School District of Manatee County

Year	BSA	Difference	DCD	Net	Net Difference
2022-23	\$4,587.40	\$214.49	0.9937	\$4,558.50	\$225.38
2021-22	\$4,372.91	\$53.42	0.9909	\$4,333.12	\$68.48
2020-21	\$4,319.49	\$40.00	0.9873	\$4,264.63	\$49.33
2019-20	\$4,279.49	\$75.07	0.9850	\$4,215.30	\$64.69
2018-19	\$4,204.42	\$0.47	0.9872	\$4,150.60	(\$22.24)
2017-18	\$4,203.95	\$43.24	0.9926	\$4,172.84	\$144.44
2016-17	\$4,160.71		0.9682	\$4,028.40	
<hr/>					
2022-23					
High			1.0523		
Low			0.9187		

District Cost Differential (DCD)



- The District Cost Differential (DCD) is a factor used to adjust funding to reflect each district's cost of living and associated personnel costs.
- The DCD for each district is computed annually based on a three-year average of the Florida Price Level Index (FPLI) by using an “amenity adjusted” FPLI, which takes factors other than the cost of goods into consideration.

DCD Example



District	2022-23	2021-22	2020-21
Manatee	0.9937	0.9909	0.9873
Lake	0.9746	0.9807	0.9805
Marion	0.9472	0.9479	0.9489
Sarasota	1.0153	1.0110	1.0068
Escambia	0.9746	0.9746	0.9759

Base Funding



- $FTE \times Program\ Weight$
= Weighted FTE
- $Weighted\ FTE \times BSA \times DCD$
= Base Funding

Base Funding



- The FEFP is funded with both state general revenue (primarily sales tax) and local revenue derived from property tax.
- The State Legislature determines on an annual basis how much is to be raised state-wide through local property taxes and how much is to be funded through state revenues.

Base Funding



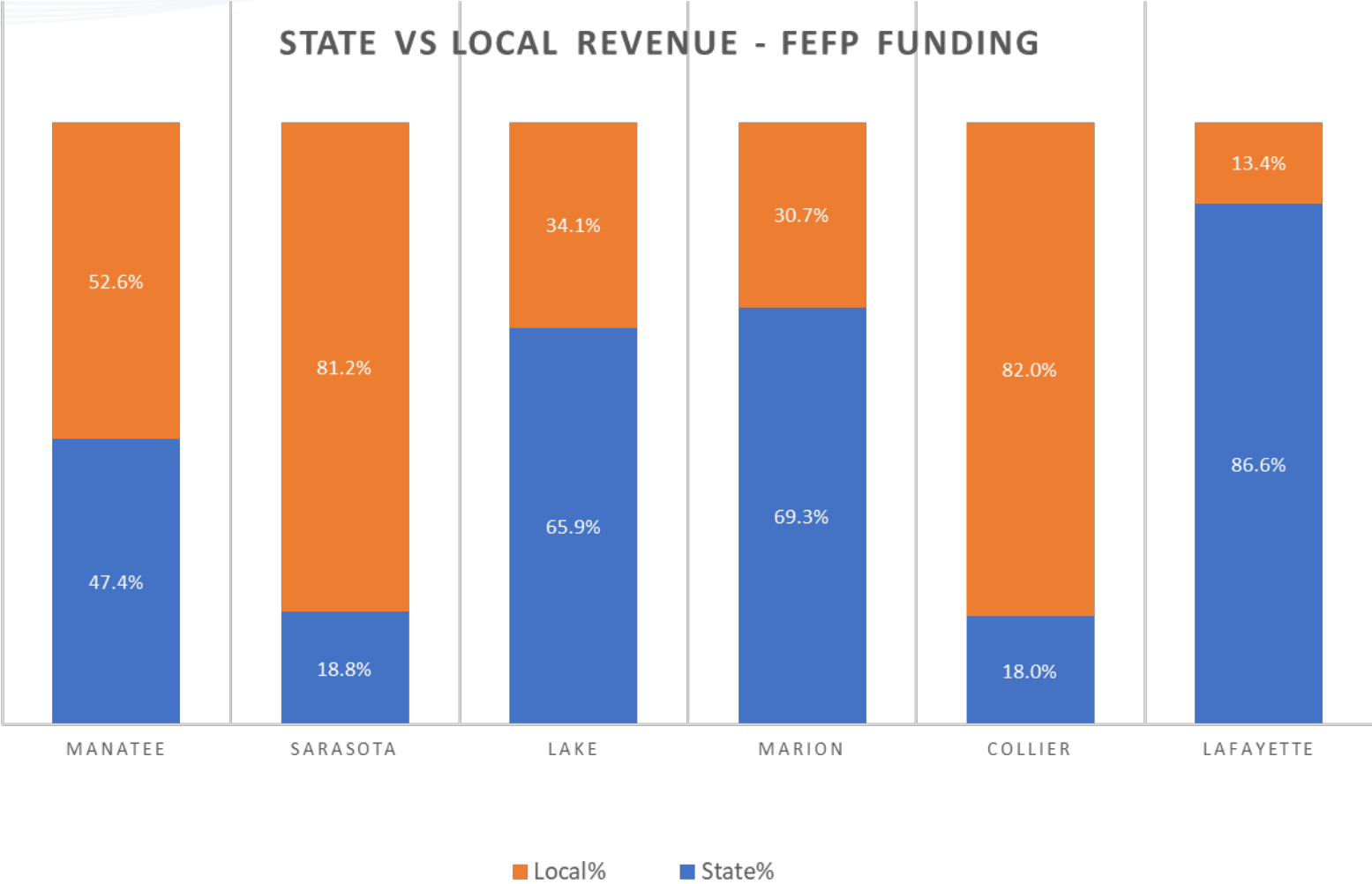
- The Florida Department of Education (FLDOE) then determines the Required Local Effort (RLE) millage rate that must be levied to generate the required local share.
- The district must impose the FLDOE established millage rate in order to obtain the state share of funding for the district.

Base Funding



- Districts with higher property values will generate more funding than districts with lower property values, but the amounts generated are redistributed and supplemented by the state's contribution.
- If a district is property-poor, it will receive proportionally more state funding. Conversely, if a district is property-rich, it will receive proportionally less state funding.

Comparison of State and Local Funding



Discretionary Taxes



- In addition to the RLE, Districts levy an additional, non-voted Discretionary Local Effort (DLE) tax to add to that District's coffers.
- Currently, the maximum allowed for 2022-23 is 0.748 mill.
- Unlike the required RLE, proceeds from the DLE are not equalized, so property rich Districts benefit more from this tax.
- There is an adjustment made for District's in which the DLE does not raise an amount equal to the State average. This is referred to as the "0.748 Mill Compression".

Categorical Programs “Earmarked”



A Categorical Program is one in which funding is earmarked to be spent on a specific program or initiative. The legislature may create or eliminate categorical programs at any time. Unless flexibility is specifically provided by the Legislature, any unspent categorical funds must be carried forward by the school district into the subsequent year to be used for the same purpose.

Gross State and Local Funding



- Base Funding + Earmarks
= Gross State and Local Funding
- Categorical Programs = “Earmarks”
 - 0.748 Mill Discretionary Compression - N/A
 - DJJ Supplemental Allocation
 - ESE Guarantee Allocation
 - Federally Connected Student Supplement - N/A
 - Funding Compression and Hold Harmless
 - Instructional Materials
 - Mental Health Assistance
 - Reading Allocation
 - Safe Schools
 - State Funded Discretionary Contribution - N/A
 - Student Transportation
 - Supplemental Academic Instruction (SAI)
 - Teacher Salary Increase Assistance (TSIA)
 - Teacher Classroom Supply Assistance
 - Turnaround Supplemental Services Allocation – N/A

Total State Funding



- Gross State and Local Funding – RLE
= Net State Funding

- Net State Funding +
Class Size Reduction Allocation =

TOTAL STATE FUNDING

Total FEFP Funding



- Total Local Funding =
 - Required Local Effort
 - + 0.748 Mill Discretionary Local Effort
- Total State Funding + Total Local Funding =
Total FEFP Funding

Additional Resources Available to School Districts



- The FEFP Funding Formula is the primary funding for school district operations. However, the Legislature has provided two methods that allow an individual school district to obtain additional funds through voter-approved referendum:
 - Additional Ad Valorem Tax (4 years)
 - Generally used for Operating Fund Expenditures.
 - Local Option Sales Tax (15 years)
 - Generally used for Capital Outlay Expenditures.
- School District of Manatee County had requested and received voter approval for both options.

Budget Cycle January – September



January

- Review and adjust school allocation formulas
- Prepare Zero-Based Budget Templates for the Departments

February

- Director of Student Demographics provides projected student FTE
- Allocation Specialist prepares allocation sheets for schools
- Budget develops average salary for school-based positions at object level
- Departments review and complete Zero-Based Budget Templates
- Begin Revenue Budget Planning

Budget Cycle



March

- Legislative session begins March 7, 2023
- Meet with Departments to review budget requests and to discuss material changes in budget requests
- Review school expenditure allocations and revise if necessary
- Budget training for the Bookkeepers held on continual basis
- Utility allocations due to the Budget Department
- Board Workshop held to review School Staffing Plan

Budget Cycle



April

- Allocation Specialist enters department and school staffing into position control
- Review material Department updates with Deputy Superintendent of Business Services and Superintendent
- Work with Departments regarding changes to their Zero-Based Budget plans
- Review requests for new department positions with Deputy Superintendents and Superintendent
- Title 1 and IDEA Grant planning

Budget Cycle



May

- Legislative session scheduled to end on May 5, 2023
- Receive Preliminary revenue figures from FLDOE
- Review Budget and make necessary changes
- Adjust Charter School and Contracted site information in the system

June

- Receive Tax Roll Estimate from the Tax Assessor for planning purposes
- Produce a line-item Budget to review with the Superintendent once conference report is posted by the legislature
- Draft Budget Manual

Budget Cycle



July

- Receive the FLDOE FEFP 2nd Calculation
- Receive the Certificate of Taxable Value from the Tax Assessor
- Prepare TRIM notice
- Board approval to advertise the tentative budget
- Budget Advertisement runs in the newspaper
- Tentative Budget is approved by the Board
- File DR 420S

August

- Work with schools to adjust enrollment for the 10-day count
- Calculate carry forward balances

Budget Cycle



September

- Complete the 10-day Budget Reallocation
- Conduct 2nd Public Hearing for the Final Budget Book and Millage rates
- Board adopts the Budget and Final Millage Rates
- Forward Final items to the Department of Revenue and Department of Education – School District Summary Budget
- Budget Manual Completed and Distributed



Questions ?



**School Board of Manatee County
January 27, 2023 - Workshop**

Title

Discussion of Procedure for Media Center Materials

Executive Summary

Mr. Kevin Chapman, Executive Director of Administration, and Dr. Laurie Breslin, Executive Director of Curriculum, will lead the Board in a discussion regarding the procedure for media center materials.

Contact

Submitting Department: School Board

Attachments:

[FLDOE Training for Media Center Specialists](#)

[SDMC Library Media Materials Reconsideration Procedure and Form DRAFT 1-27-23
Presentation](#)

[Library Media Book List 22-23](#)



Certification of Alignment and Adoption of Instructional Materials (Form IM-A)

Where a school district implements its own instructional materials program under the provisions of section (s.) 1006.283, Florida Statutes (F.S.):

I certify, the following:

- Instructional materials used by the school district in core courses are aligned with state academic standards, as set forth in s. 1003.41, F.S., and Rule 6A-1.09401, Florida Administrative Code; and
- The school district's process for the review, selection and adoption of instructional materials complies with hearing requirements established by a district school board and the public meeting requirements set forth in s. 1006.283(2)(b)8., F.S.

Printed Name of Superintendent

Signature of Superintendent

District

Date

Due by March 31, via <https://districts.flimadoption.org>

Form IM-A, Certificate of Alignment and Adoption of Instructional Materials
Incorporated in Rule 6A-7.0715, F.A.C.
Effective February 2023



Certification of Implementation of Instructional and Library Media Materials (Form IM-B)

I certify, pursuant to section (s.) 1011.67(2), Florida Statutes (F.S.), the following:

- The district school board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs;
- The plan includes a process for verifying training was provided;
- Instructional materials are being implemented as designed;
- All instructional materials for core courses used in the school district are aligned to applicable state academic standards;
- Core reading materials and reading intervention materials used in kindergarten through grade 5 meet the requirements of s. 1001.215(8), F.S.; and
- Any material objected by a parent or a resident of the county where the school district is located during the preceding school year, under the provisions of s. 1006.28, F.S., has been identified, along with the reason for the objection and the grade and courses for which the material was removed or discontinued, in accordance with the requirements of Rule 6A-7.0714, Florida Administrative Code.

Printed Name of Superintendent

Signature of Superintendent

District

Date

Due by July 1, via <https://districts.flimadoption.org>

Form IM-B, Certification of Implementation of Instructional and Library Media Materials
Incorporated Rule 6A-7.0715, F.A.C.
Effective February 2023



Certification of Library Media Training (Form IM-C)

I certify, pursuant to section (s.) 1006.29(6), Florida Statute, (F.S.), that all school librarians and media specialists employed by the district have completed the online training entitled Library Media Training, incorporated in this rule.

Printed Name of Superintendent

Signature of Superintendent

District

Date

CERTIFICATION OF LIBRARY MEDIA TRAINING INFORMATION	
Job Code	Number of those who completed the training

Due by July 1, via <https://districts.flimadoption.org>

Form IM-C, Certification of Library Media Training
Incorporated in Rule 6A-7.0715, F.A.C.
Effective February 2023

Library Media and Instructional Materials Training



Main Purpose

Part 1: Criteria for Selection of Library Materials and Reading Lists

Part 2: Collection Development Policies for Library Media Specialists

Part 3: Selection and Maintenance of Library Media Materials for Library Media Specialists

Part 4: Training to Assist Reviewers of Instructional Materials



Criteria for Selection and Maintenance of Library Materials and Reading Lists

The Primary Objective of the Library Media Center:



To implement, enrich, and support the educational program of the school. The library media center shall provide a wide range of materials on all levels of difficulty, with diversity of appeal, and with the representation of different points of view.

House Bill 1467

Section (s.) 1006.29(6), Florida Statutes

The department shall develop an online training program for school librarians, media specialists, and other personnel involved in the selection and maintenance of library media and collections or materials maintained on a reading list. This training must assist reviewers in complying with the requirements of s. [1006.31\(2\)](#). The department shall make this training available no later than January 1, 2023. No later than July 1, 2023, and annually thereafter, each superintendent must certify to the department that all school librarians and media specialists employed by the district have completed the online training program.

Criteria for Selection of Library Materials

Section 1006.40(3)(d), F.S.

All materials in a school library or included on a reading list must be:

1. Free of Pornography and material prohibited under s. 847.012, F.S.
2. Suited to student needs and their ability to comprehend the material presented.
3. Appropriate for the grade level and age group for which the materials are used and made available.

Pornography

While there is no statutory definition of pornography in the Florida Statutes, the Merriam-Webster dictionary defines it as “the depiction of erotic behavior (as in pictures or writing) intended to cause sexual excitement.”

Materials Prohibited by Section 847.012, F.S.

An adult may not knowingly distribute to a minor on school property:

- *Any picture...or visual representation of a person or a portion of a human body which depicts nudity or sexual conduct, sexual excitement, sexual battery, bestiality, or sadomasochistic abuse and which is harmful to minors.*
- *Any book, pamphlet, magazine [or] printed matter...that contains...explicit and detailed verbal descriptions or narrative accounts of sexual excitement, or sexual conduct and that is harmful to minors.*

Materials Prohibited by Section 847.012, F.S. (cont.)

- The phrase “harmful to minors” requires that any description or representation of nudity, sexual conduct or sexual excitement meet three requirements in order to be found “harmful to minors.”
- The description or representation must:
 - Predominantly appeal to a prurient, shameful, or morbid interest;
 - Be patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; **and**
 - Taken as a whole the material is without serious literary, artistic, political, or scientific value for minors.

Penalty for Violating Section 847.012, F.S.

(6) Any person violating any provision of this section commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

To protect librarians and media specialists, it must be clear that a book depicting nudity, sexual conduct, or sexual excitement does not meet the tenets of “Harmful to minors” (s. 847.001, F.S.), which are:

- (a) Predominantly appeals to a prurient, shameful, or morbid interest;*
- (b) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and*
- (c) Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.*

Suited to Student Needs and Appropriate for Age and Grade Level

Considerations should include:

- Student ability to comprehend material.
- The degree to which the material will be explained/supplemented by classroom instruction.
- The educational purpose of the material.
- The accurate portrayal of the state's broad racial, ethnic, socioeconomic and cultural diversity, without bias or indoctrination.
- Age and grade level of students
- Maturity of students
- Err on the side of caution

Additional Requirements

Section 1006.34(2)(b), F.S.

- 1. The age of the students who normally could be expected to have access to the material.*
- 2. The educational purpose to be served by the material. Priority shall be given to the selection of materials that align with the Next Generation Sunshine State Standards as provided for in s. [1003.41](#) and include the instructional objectives contained within the curriculum frameworks for career and technical education and adult and adult general education adopted by rule of the State Board of Education under s. [1004.92](#).*
- 3. The degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal classroom instructional program.*
- 4. The consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this state. Any instructional material containing pornography or otherwise prohibited by s. [847.012](#) may not be used or made available within any public school.*

Additional Requirements (cont.)

Section 1006.28(2)(d)2., F.S.

- a. *Require that book selections meet the criteria in s. [1006.40\(3\)\(d\)](#).*
- b. *Require consultation of reputable, professionally recognized reviewing periodicals and school community stakeholders.*
- c. *Provide for library media center collections based on reader interest, support of state academic standards and aligned curriculum, and the academic needs of students and faculty.*
- d. *Provide for the regular removal or discontinuance of books based on, at a minimum, physical condition, rate of recent circulation, alignment to state academic standards and relevancy to curriculum, out-of-date content, and required removal pursuant to subparagraph (a)2.*

Parental Rights

- The Parents' Bill of Rights (s. 1014.04(1)(a), F.S.) states that a parent has the right to direct the education and care of his or her minor child.
- Upon written request, school districts are required to provide parents access to any material or book in a school library specified in the request (s. 1006.28(2)(d), F.S.)
- Per Rule 6A-7.0713, F.A.C. each elementary school is required to publish on its website a list of all materials maintained in the school library media center including classroom libraries.
- Parents must be informed of the district policies that are in place to provide transparency to families.
- The department's parental rights page may be found at <https://www.fldoe.org/ParentalRights/>

District Objection (Challenged Materials) Policy

- Follow your district policy.
- Each district is responsible for having a policy on challenged materials.
- Objections can be brought forth by any person residing within the district or a parent of a district student.

Section 1006.28(2)(a)2., F.S.:

Each district school board must adopt a policy regarding an objection by a parent or a resident of the county to the use of a specific material, which clearly describes a process to handle all objections and provides for resolution.



Collection Development Policies

Collection Development

Library collection development is the ongoing process of systematically building high-quality print and non-print information resources to meet the information needs of a particular district or school.

Goals of Collection Development

Provides guidelines for selecting material for the collection of the library that are balanced.

Determines the retention, preservation and archiving of materials.

Describes the process for removal of inappropriate materials.

School Districts Must Establish and Maintain School Libraries

Districts must establish procedures that:

- Require library books meet the statutory selection criteria of being suited to student needs, are age and developmentally appropriate, and are free from pornography and materials harmful to minors under s. 847.012, F.S.
- Requires input of stakeholders, including parents.
- Requires the consultation of reputable, professionally recognized reviewing periodicals.



Collection Development Process

Goals

- Mission and vision of the school or district
- Special program considerations
- Current collection analysis
- Responsibilities of the media specialist

Audience

- School demographics
- School community
- Population needs
- Transparency to the community

Acquisition

- Budget
- District policies and procedures
- School expectations
- Stakeholder reviews
- Peer reviews

Maintenance

- Inventory policies
- Know your district procedures for removal of materials

Preservation

- Ongoing development of the collection to mirror district policies or procedures

Removal or Discontinuance of Materials

The removal or discontinuance of library materials and resources is determined by a continuous review of the existing collection, both print and digital. In the removal process, many factors are taken into consideration including, but not limited to, space constraints, age or relevancy of material, physical condition of the material, and circulation data.

Follow district policies for regular removal or discontinuation of materials.

Library Media Specialists

Only persons who are certified as an Educational Media Specialist under Rule 6A-4.0251, Florida Administrative Code (F.A.C.), are authorized to make selections of:

- Materials available to students in a school library; and
- Books included on a recommended or assigned school, grade-level, or classroom reading list.

School principals are responsible for compliance with school district procedures for the selection of school library materials.

Elementary classroom libraries are a type of school library. Materials in all school libraries must be selected by a certified media specialist. (Rule 6A-7.0714, F.A.C.; s. 1006.28 (2)(d)1., F.S.)



Selection, Evaluation and Maintenance of School Library Materials

Criteria For Selection of Library Materials

Collections must:

- Support academic standards and curriculum.
- Support the academic needs of students and faculty.
- Support the broad racial, ethnic, socioeconomic and cultural diversity of the students of this state.
- Be based upon reader interest.
- Be appropriate for the grade level and age group for which the materials are made available.
- Be suited to student needs and their ability to comprehend the material.
- Follow Florida Statutes, State Board of Education rules and school district policies.

Appropriate for the Grade Level and Age Group

- Choose materials that are relevant for the ages of your students.
- Choose materials that address the reading levels, special curricular needs and programs of your school/district.
- Look at professional peer-reviewed journals for age or grade level recommendations.
 - Section 1006.28(2)(d)2., F.S., provides that school districts must adopt policies that:
 - Require consultation of reputable, professionally recognized reviewing periodicals and school community stakeholders.*
 - While the law requires consultation of peer reviews, districts should consider the consultation of crowd-sourced reviews.

Suggestions for Selecting New Materials

- Curriculum needs - high priority
- Survey stakeholders - teachers, students, parents, administration
- Balance fiction vs. nonfiction
- Diversity and age of collection
- High interest needs of readers
- Use reputable book vendors that offer quality bindings
- Look at professional and reputable award lists and state compiled book lists appropriate for your school age level
- Follow district protocol for selection of new books
- Check any books that have been removed or restricted due to a challenge in other districts. Those books should be carefully considered before purchasing.

Academic Standards and Academic Needs of Students and Faculty

- Consider titles from state standards booklists such as the ELA B.E.S.T. Sample texts and the Civic Literacy Reading List
- Evaluate school academic organizational needs to include, but not be limited to:
 - School mission and vision;
 - School performance or improvement plan;
 - Specialized curriculum needs such as those for career or technical courses;
 - School population needs such as exceptional student education (ESE), gifted and English language learners (ELL); and
 - Material to supplement state-approved, district-adopted core curriculum.
- Age of student population should be considered when selecting materials based on student interest.

School Community Stakeholders

Examples:

- Parents
- Students
- School Advisory Council
- Parent Teacher Association
- School Faculty and Subject departments
- Administrators
- Media Advisory Committee
- Community Members

Ideas for Input:

- Present/Publish lists to be ordered to SAC/PTA/Media Advisory before ordering.
- Host a preview night for stakeholders before placing books on shelf.
- Provide materials suggestion box or Google/Microsoft form for suggestions.
- Conduct interest inventories with learners.

Suggestions for gaining stakeholder contributions:

Online surveys, QR codes, suggestion box, virtual meetings, emails, newsletters, etc.

Maintenance

- Organization
 - Decide how materials are organized
 - Make sure signage is clear and up-to-date.
- Availability
 - Inventory everything in collection at regular intervals
- Know:
 - Cataloging profile - classifications and prefixes, location of barcode, spine label, and any other additional needed labels.
 - MARC (Machine-Readable Cataloging) Records
- Damaged books



Instructional Materials Reviewers

Common Selection Criteria for Instructional Materials, Library Materials and Reading Lists

Factors to consider for any material include:

- Avoiding unsolicited theories that may lead to student indoctrination.
- Meetings for the purpose of selecting instructional materials must be open to the public, including parents (s. 1006.28(2)(a)4, F.S.) and consultation with school community stakeholders, including parents is required in the purchasing of new library media materials (s. 1006.28(2)(d), F.S.)
- Age of the students who normally could be expected to have access to the material
- Educational purpose to be served by the material
- The degree to which the material will be supplemented and explained by classroom instruction
- The broad racial, ethnic, socioeconomic and cultural diversity of the students of this state
- Materials must be free of pornography and prohibited by s. 847.012, F.S.

Additional Selection Criteria for Instructional Materials

Instructional Materials must be:

- Accurate, objective, balanced, noninflammatory and current
- Aligned with state academic standards
- Suited to student needs, including academically talented students
- Suited to students' ability to comprehend material and maturity levels
- Readable, contain appropriate pacing, and easy to use

Instructional Materials should:

- Not contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, sex, religion, disability, socioeconomic status or occupation.
- Accurately portray the ethnic, socioeconomic, cultural, religious, physical and racial diversity of our society.

Instructional Materials and the Principles of Individual Freedom (s. 1003.42(3), F.S.)

Instructional Materials may not contradict the principles enumerated under [s.1003.42\(3\)](#) These six principles are set forth below:

- (a) No person is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of his or her race or sex.*
- (b) No race is inherently superior to another race.*
- (c) No person should be discriminated against or receive adverse treatment solely or partly on the basis of race, color, national origin, religion, disability, or sex.*
- (d) Meritocracy or traits such as a hard work ethic are not racist but fundamental to the right to pursue happiness and be rewarded for industry.*
- (e) A person, by virtue of his or her race or sex, does not bear responsibility for actions committed in the past by other members of the same race or sex.*
- (f) A person should not be instructed that he or she must feel guilt, anguish, or other forms of psychological distress for actions, in which he or she played no part, committed in the past by other members of the same race or sex.*

Other Criteria for Instructional Materials

s. 1006.31(2), F.S.

Whenever appropriate, include instructional materials that portray

- The necessity to protect the environment and conserve natural resources
- The effects of the use of tobacco, alcohol, controlled substances and other dangerous substances.
- Humane treatment of people and animals
- Fire prevention
- Thrift – using money and other resources wisely and not carelessly.

Other Criteria for Instructional Materials (cont.)

s. 1006.31(2), F.S.

Whenever appropriate for social science, history, or civics courses, the materials submitted must contain:

- The Declaration of Independence
- The Constitution of the United States

Core Questions Rubric for IM Reviewers

The full rubric may found at:

<https://www.fldoe.org/academics/standards/instructional-materials/>

Core Questions Rubric	
<i>This serves as the rubric used for evaluation of all instructional materials bid for state adoption.</i>	
Content	
1.	A. Alignment with curriculum: The content aligns with the state's standards, benchmarks and clarifications for subject, grade level and learning outcomes.
2.	A. Alignment with curriculum: The content is written to the correct skill level of the standards, benchmarks and clarifications in the course.
3.	A. Alignment with curriculum: The materials are adaptable and useful for classroom instruction.
4.	B. Level of Treatment: The materials provide sufficient details for students to understand the significance of topics and events.
5.	B. Level of Treatment: The content matches the standards.
6.	B. Level of Treatment: The content matches the student abilities and grade level.
7.	B. Level of Treatment: The content matches the time period allowed for teaching.
8.	C. Expertise for Content Development: The primary and secondary sources cited in the materials reflect expert information for the subject.
9.	C. Expertise for Content Development: The primary and secondary sources contribute to the quality of the content in the materials.
10.	D. Accuracy of Content: The content is presented accurately. (Material should be devoid of typographical or visual errors.)

Core Questions Rubric for IM Reviewers (cont.)

The full rubric may found at:

<https://www.fldoe.org/academics/standards/instructional-materials/>

Florida Statutes and State Board of Education Rule
1. Critical Race Theory: Do materials align to Rule 6A-1.094124, F.A.C., which prohibits Critical Race Theory (CRT) in instructional materials?
2. Culturally Responsive Teaching: Do instructional materials omit Culturally Responsive Teaching as it relates to CRT?
3. Social Justice: Do instructional materials omit Social Justice as it relates to CRT?
4. Social Emotional Learning: Do instructional materials NOT solicit Social Emotional Learning (SEL), as these are considered extraneous and unsolicited strategies outside the <u>scope</u> of subject-area standards?
<p>5. Principles of Individual Freedom: Do instructional materials align to s. 1003.42(3), F.S., by acknowledging that all people are equal before the law and have inalienable rights and materials are consistent with the following principles:</p> <ul style="list-style-type: none"> <i>(a) No person is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of his or her race or sex</i> <i>(b) No race is inherently superior to another race.</i> <i>(c) No person should be discriminated against or receive adverse treatment solely or partly on the bases of race, color, national origin, religion, disability, or sex.</i> <i>(d) Meritocracy or traits such as hard work ethic are not racist but fundamental to <u>the right to pursue happiness and be rewarded for industry.</u></i> <i>(e) A person, by virtue of his or her race or sex, does not bear responsibility for <u>actions committed in the past by other members of the same race or sex.</u></i> <i>(f) A person should not be instructed that he or she must feel guilt, anguish, or other forms of psychological distress for actions, in which he or she played no part, <u>committed in the past by other members of the same race or sex.</u></i>
6. Student Welfare: Do instructional materials align to s. 1001.42(8)(c)3., F.S., in grades K-3 to <u>EXCLUDE</u> any instruction regarding sexual orientation or gender identity?

Instructional Materials – District Responsibilities

- The responsibility of the content of instructional materials lies with those that choose the materials. Parental feedback is important and parents should be included in all aspects of choosing materials.
- The district school board oversees the final process of instructional materials after a vetting process that involves all stakeholders, including teachers, students, district staff, and community members.
- Districts must adopt procedures to permit a parent or resident to object to the adoption or use of any instructional material if it doesn't meet the criteria of 1006.31(2) or 1006.40(3)(d).

Copyright and Fair Use

When using instructional materials, know the guidelines and permissions for use.

- Please discuss copyright and fair use guidelines with publishers before purchase.
- Follow district policies.
- Potential violations may include:
 - Reproducing pages in textbooks without publisher permission or watching videos without having a license.
 - Use of streaming services may violate individual contracts with service.

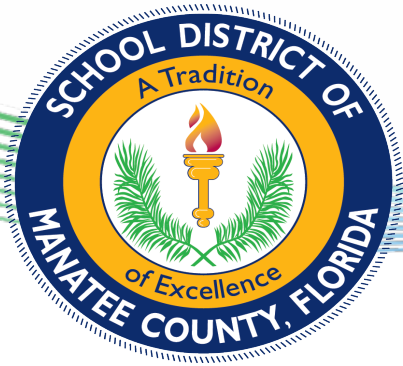
Thank you!



SDMC Library Media Material Reconsideration Procedure

Members of the School District of Manatee County community may question the inclusion of material in a school's library media collection, following these steps:

1. If a complaint is not resolved informally at the school level, the complainant will be supplied with the SDMC Library Media Material Reconsideration Procedure, also found on the SDMC website under Library and Media. This will include a Request for Reconsideration of a Book/Material form, which shall be completed and returned before consideration will be given to the complaint.
2. The Request for Reconsideration of a Book/Material form, completed by the original complainant, and any related documents are forwarded to the District Library Media Specialist and the Executive Director of Curriculum.
3. The Executive Director of Curriculum will notify the school or schools that have the identified book/material in their media center collection. All submitted documents will be shared with the Principal(s).
4. Responsibilities of the School(s):
 - a. The Principal or a designated committee shall:
 - i. Review the challenged books or materials.
 - ii. Review the completed Request for Reconsideration of a Book/Material form.
 - iii. Consult professional review and academic resources to weigh the merits against alleged faults in light of the material as a whole.
 - iv. The Principal or Committee will determine the extent to which the material meets the FLDOE Criteria for Selection to reach a school decision.
 - v. A decision report will be prepared and sent to the Executive Director of Curriculum within 30 days of the school being notified.
 - vi. The questioned material will be placed with a parent consent requirement during the period of assessment.
5. Responsibilities of the District:
 - a. The Executive Director of Curriculum of designee shall:
 - i. Work with the school(s) to communicate any and all information required to make a school-based decision.
 - ii. Communicate the school decision to community stakeholders.
6. If the reconsideration of a book or other media material is not resolved at the school level, the items will be referred to the School Board for review.
 - a. The School Board shall:
 - i. Review the challenged books or materials.
 - ii. Review the completed Request for Reconsideration of a Book/Material form.
 - iii. The School Board will determine the extent to which the material meets the Criteria for Selection as defined by the FLDOE Training released on January 1, 2023.
 - iv. A decision report will be prepared and sent to the complainant within 30 days of the School Board convening.
 - v. The questioned material will be placed with a parent consent requirement during the period of assessment.



Update on Media Center Materials

January 27, 2023

Timeline – How we got to this point?



- July 1, 2022 – HB 1467 is signed into law
- Procedure on how to challenge library book posted on District website
- SDMC Review Committee set up with Principals, Media Center Specialists, Curriculum staff, and parents – one of the first in Florida to begin the process with no guidance from FLDOE
- Met (8) times: 7/13; 7/19; 7/21; 8/18; 8/25; 10/6; 10/13; 11/3- in the sunshine and minutes posted on District website
- Reviewed (30) book titles sent in from (3) community members
- January 1, 2023 – new FLDOE training for media center specialists is released and all SDMC media center specialists trained on January 9th
- Updated Procedure drafted based on the new training and presented to Board on January 13th, 2023
- Board approval of updated procedure – February 14th, 2023 Board Meeting

House Bill 1467 Language



Each district school board shall adopt procedures for developing library media center collections and post the procedures on the website for each school within the district.

The procedures must:

- a. Require that book selections meet the criteria in s. 1006.40(3)(d).*
- b. Require consultation of reputable, professionally recognized reviewing periodicals and school community stakeholders.*
- c. Provide for library media center collections based on reader interest, support of state academic standards and aligned curriculum, and the academic needs of students and faculty.*
- d. Provide for the regular removal or discontinuance of books based on, at a minimum, physical condition, rate of recent circulation, alignment to state academic standards and relevancy to curriculum, out-of-date content, and required removal pursuant to subparagraph (a)2. 171 3.*

Each elementary school must publish on its website, in a searchable format prescribed by the department, a list of all materials maintained in the school library media center or required as part of a school or grade-level reading list.

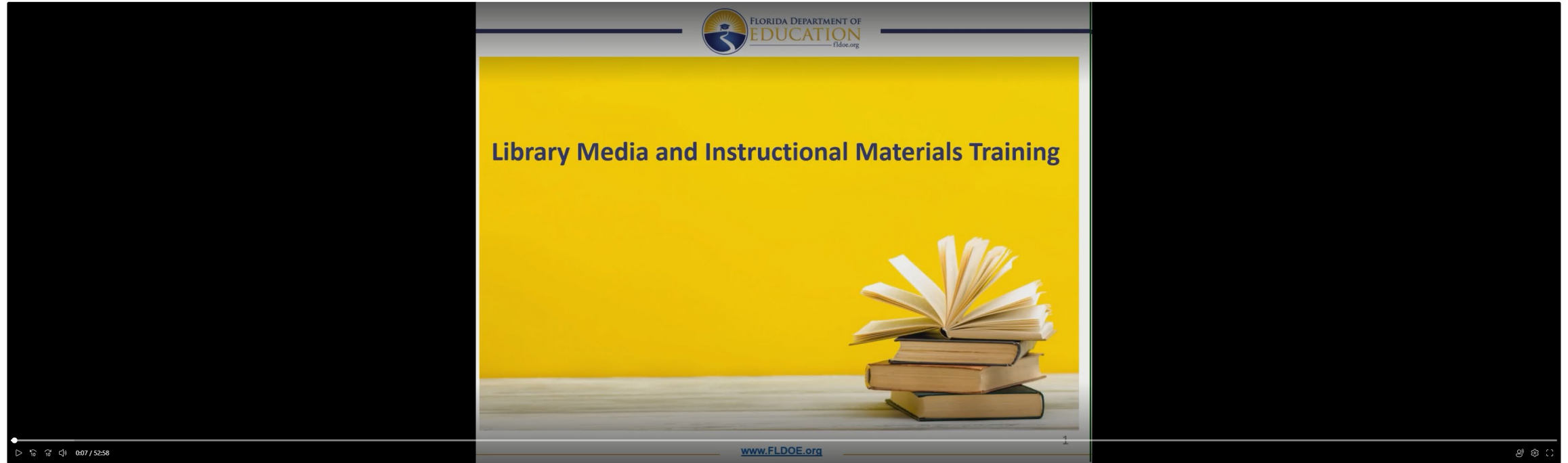
FLDOE Library Media Materials Training



floridadoe.sharepoint.com/sites/LibraryMediaTraining/_layouts/15/stream.aspx?id=%2Fsites%2FLibraryMediaTraining%2FShared%20Documents%2FLibrary%20Media%20Training%20-%2012%2E28%2E22%20v3%2Ewmv&ga=1

Stream Library Media Training - 12.28.22 v3

Copy to



Library Media Training - 12.28.22 v3

December 29, 2022 • Inyang, Iboro • LibraryMediaTraining > Shared Documents

Type here to search



69°F Sunny 10:46 AM 1/9/2023



New Updated Procedure

- Continue to allow stakeholders to submit concerns via the District website but allow schools to first review submitted concerns to determine a solution in order to better align with the direction of the FLDOE training.
- The Curriculum Department will liaison between the schools and stakeholders and School Board.
- If the stakeholder that submitted the concern is not in agreement with the school-based decision, the title will be reviewed by School Board for final determination.

Public Input

The District follows the FLDOE Instructional Materials Adoption Cycle, which identifies an academic area each year that is up for renewal of core instructional materials. The current procedure used in the Manatee School District requires the Curriculum Department to create an Instructional Materials Review Committee comprised of staff, parents, and community members. This has been done every year when new institutional materials must be selected.

Link to FLDOE Adoption Cycle: <https://www.fldoe.org/core/fileparse.php/5574/urlt/AdoptionCycle.pdf>

Classroom Libraries



Role	Responsibility
Classroom Teachers or Volunteers	<ul style="list-style-type: none"> • Search Destiny and district created list for all books included in classroom library • For any books listed in Destiny or on the district created list, no further action is required • Any books not listed in Destiny or on the district created list, complete the “Reading Lists” survey to submit to the school media specialist (the survey will include the title and author of the book)
School Media Specialists	<ul style="list-style-type: none"> • Support teachers with searching Destiny and district created list for classroom library titles • Compile the list of books teachers submit in the “Reading Lists” survey in an Excel spreadsheet • Review books submitted through the survey to determine if the book can be retained in the classroom library (per Collection Development Policies contained within the state Library Media Training) • Communicate any books that would need to be removed from a classroom library to the principal and remove the title from the “Reading Lists” school spreadsheet • Turn the Excel spreadsheet into a PDF • Send the PDF to the principal for posting on the school website
Principals	<ul style="list-style-type: none"> • Ensure that all teachers in the building complete the “Reading Lists” survey for books included in their classroom library that are not searchable in Destiny or on the district created list • Communicate any titles of books to teachers that the media specialist has determined need to be removed • Additional school-based purchases of books, e-books, videos, periodicals that are not in Destiny, found on the classroom library list, or purchased by the District must be included in a PDF document by title and author and have been reviewed by the media specialist • Ensure the PDF list of books (classroom library and additional school-based purchases) are posted to the school website (must include title and author)
District Elementary Curriculum Department	<ul style="list-style-type: none"> • Compile a list of all books that came with Benchmark Advance in addition to what is included in the student consumables • Compile a list of all books listed in the B.E.S.T. Standards • Compile a list of books that are part of Literacy Footprints, Literacy Footprints Intervention Kit, and the Literacy Footprints Digital Reader • Collaborate with District Title 1 department to compile a list of books that have been purchased and sent to Title 1 schools • Collaborate with ESOL to compile a list of books purchased for Dual Language Classrooms • Create a running list of District purchased books by title and author to post on the district website (including B.E.S.T. Standards books) • Have the list linked to each school’s website • Any future purchase of books (including e-books, periodicals, or videos) by the district will be reviewed and approved by the District Media Specialist and added to the published list on both the district website and school websites

Items for Board Discussion



- Review updated procedure for final adoption at February 14th Board Meeting
- Review list of (30) books that the Committee made a determination on and discuss results

<u>Title</u>	<u>Current Placement</u>	<u>Destiny Locations</u>
Both Can Be true	Grades 6-12 with no restriction	LRHS
Mondays Not Coming	Grades 9-12 with no restriction Grades 6-8 with parent consent	LRHS, BHS, KMS, MHS, PHS, SEHS, PHS, PCHS
The Nowhere Girls	Grades 9-12 with parent consent	BRHS, LRHS, MHS, PHS, PCHS, SEHS, BHS
Damsel	Grades 9-12 with parent consent	BRHS, MHS, PCHS, SEHS
Crank	Grades 9-12 with parent consent	PHS, BRHS, LRHS, MHS, SEHS
Impulse	Grades 9-12 with parent consent	BHS, BRHS, MHS
Flowers in the Attic	Grades 9-12 with parent consent	LRHS, BRHS
Laura Dean Keeps Breaking Up with Me	Grades 9-12 with parent consent	BRHS, MHS, PHS, SEHS
My Jim	Grades 9-12 with no restriction	BRHS
The House on Mango Street	Grades 9-12 with no restriction Grades 6-8 with parent consent	LRHS, Lincoln, BHS, MHS, BRHS, KMS, SEHS, SMS, HMS, Horizons, Johnson K-8
Scars	Grades 9-12 with parent consent	SEHS
Light It Up	Grades 9-12 with no restriction	LRHS, MHS, PHS, SEHS
Protesting Police Violence in Modern America	Grades 9-12 with no restriction	SEHS
Pet	Grades 9-12 parent consent	LRHS, MHS, SEHS, Lincoln
Race and Policing in America	Grades 9-12 with no restriction	SEHS

The 57 Bus	Schools are reviewing. Currently has a parent consent restriction.	LRHS, PCHS, SMS
The Hate U Give	Schools are reviewing. Currently has a parent consent restriction.	LRHS, MHS, PCHS, SEHS, SMS, Lincoln

The Prince and the Dressmaker	Schools are reviewing. Currently has a parent consent restriction.	MHS, PCHS, SEHS, SMS
Never Let Me Go	Schools are reviewing. Currently has a parent consent restriction.	LRHS, MHS, PCHS

<u>Title</u>	<u>Destiny Locations</u>
I am Jazz	No Copies
When Aiden Became a Brother	No Copies
Red Hood	No Copies
Tricks	No Copies
Push	No Copies
L8r, g8r	No Copies
Me and Earl and the Dying Girl	No Copies
Ready or Not	No Copies
Lily and Dunkin	No Copies
Sold	No Copies
The Talk	No Copies



**School Board of Manatee County
January 27, 2023 - Workshop**

Title

Board Discussion with Florida School Boards Association (FSBA) Regarding Superintendent Search

Executive Summary

The Board will hold discussion with Dr. Bill Vogel and Mr. John Reichert, of the Florida School Boards Association (FSBA), regarding the timeline, survey, and next steps for the superintendent search.

Dr. Vogel and Mr. Reichert will review the attached draft timeline and draft survey with the Board.

Contact

Submitting Department: School Board

Attachments:

[FSBA DRAFT Timeline](#)

[FSBA DRAFT Survey](#)



MANATEE SEARCH TIMELINE

January 13, 2023	Superintendent Search Workshop - <u>Pre-search</u> input from Board. <u>Discussion</u> regarding search timeline and associated activities as desired by the Board to include but not limited to website portal - on-line survey - community/staff forums - superintendent job description - other items as needed. 9:00 a.m.
January 27, 2023	School Board Workshop - <u>Discuss and finalize</u> timeline and survey - other items as needed. 12:30 p.m.
January 30 thru February 24, 2023	Window for on-line and Key Community survey. Conduct 4 community forums - Braden River H.S. (Location & date TBD) 6:00 p.m. Manatee H. S. (Location & date TBD) 6:00 p.m. Palmetto H.S. (Location & date TBD) 6:00 p.m. Parrish H.S. (Location & date TBD) 6:00 p.m. Conduct 3 staff focus groups - Instructional/Para-pro (Location, date & time TBD) Administrative (Location, date & time TBD) Support Professionals (Location, date & time TBD)
March 3, 2023	School Board Workshop - <u>Discussion</u> regarding results of on-line survey - community/staff forums - superintendent job description. <u>Determine</u> minimum and/or preferred qualifications - qualities and characteristics needed in the next superintendent - salary range - length of contract to be offered - contents of application packet - application process and advertisement venues - other items as needed. 9:00 a.m.
March 10, 2023	Advertisement period begins.
March 13 thru 17, 2023	Spring Break



Florida School Boards Association SUPERINTENDENT SEARCH

March 31, 2023	School Board Workshop - <u>Discussion</u> related to the applicant screening process for selecting semi-finalists - <u>Identify</u> questions for semi-finalists - <u>Update</u> related to finalist's interview schedule and associated activities - <u>Review</u> contract negotiation process - other items as needed. 9:00 a.m.
April 10, 2023	Advertisement period ends. (Midnight)
April 14, 2023	School Board Workshop - <u>Identify</u> semi-finalists (no ranking) - <u>Review</u> the method/process for selection of finalists - <u>Update</u> related to finalist's interview schedule and associated activities - other items as needed. 9:00 a.m.
April 24, 2023	FSBA receives responses from semi-finalists for dissemination to the Board.
April 28, 2023	Superintendent Search Workshop - <u>Identify</u> finalists - <u>Review</u> the method/process for selection of superintendent - <u>Updates</u> related to on-site interviews - other items as needed. 9:00 a.m.
May 10, 2023	Out of area finalists arrive in Manatee County.
May 11 and 12, 2023	Conduct on-site interviews for finalists (NOTE: On-site interviews to include School Board collectively and School Board members individually.)
May 16, 2023	Special Board Meeting - Select superintendent - Contract negotiations begin with an effective start date determined. TIME TBD
May 23, 2023	School Board Meeting - Approve contract. 5:00 p.m.
May 24, 2023	Transition period begins.
July 1, 2023	Anticipated start date for new superintendent.

Timeline - Board Agreement: Date:
Timeline - Revised: Date:



Florida School Boards Association
SUPERINTENDENT SEARCH

MANATEE COUNTY PUBLIC SCHOOLS SURVEY

The Manatee County School Board is seeking community-wide input concerning the leadership qualities desired in the next Superintendent, the chief leader for the district. Your assistance is greatly appreciated. All information will be reported to the MCPS School Board to be used to build the application, for application screening, designing questions for applicants, and for interviews.

This survey is being conducted by the Florida School Boards Association for Manatee County Public Schools to help guide them in their search to find the next Superintendent of Schools.

You also have an opportunity to share written comments at the end of the survey.

Choose the five (5) items that you feel are the most important for your district in the area of **Personal Leadership Qualities:**

- Is a good listener.
- Reacts positively in highly stressful situations.
- Possesses the ability and willingness to make tough decisions that may not always be popular.
- Collaborative leadership style.
- Highly organized strategic thinker.
- Values and leads from agreed upon goals.
- Ability to build high-performing teams.
- Builds trust and respect, and serves as a role model for staff, students and the community.
- Leads with honesty and charisma.
- Leads with a vision yet honors the past.
- Is courageous and honest, and engages others in seeking solutions to challenges.
- Models high standards of integrity.
- Brings people of different cultures together to achieve goals.
- Leads with humility, caring, and servant-leader attitude.
- Displays a positive outlook at work and in personal life.
- Exhibits excitement, energy, happiness, and has a sense of humor.
- Committed to life-long learning and personal professional development by engaging in regional, state and national educational opportunities.
- Has had multiple educational experiences.
- Creative and a successful innovator.
- Inspires and builds trust and models high standards of integrity and ethics.



Florida School Boards Association SUPERINTENDENT SEARCH

- Brings people of different cultures together to achieve goals.
- Thinks with innovation, creativity, and courage to engage others in seeking solutions to district challenges.
- Leads but willing to pitch-in to help at any level in the organization.

Choose the five (5) items that you feel are the most important for your district in the area of

Instructional Excellence and Leadership:

- Is familiar with and/or has successful experience with education reform requirements including state standards and Florida's school and district evaluation systems.
- Successful experience in curriculum adoption and implementation that meets or exceeds state standards.
- Has experience in a school or district where student achievement has been increasing and can describe the role leaders must play in that process.
- Is able to identify, plan for, and implement solutions to equity needs in a district.
- Experience developing career and technical programs to meet the needs of local and regional employers.
- Ability to plan and implement continuous improvement and organizational improvement in all academic areas.
- Evidence and experience in moving district/school to higher achievement levels prior to mandates of state or federal agencies.
- Possesses a keen mission to raise student achievement for all students in district/school.
- Successfully provided oversight for programs to meet the needs of students with disabilities and other special needs-students.
- Understands the importance of early childhood programs.
- Successfully led a district's strategic plan or portion thereof, with identified measurable results and a focus on performance.
- Has a record of improving student performance, especially in identifying, narrowing or closing the gaps in student achievement.
- Promotes the success of every student by facilitating the development, articulation, implementation and stewardship of a vision of learning that is shared by all stakeholders.
- Has led district implementation of changes to standards.
- Has worked with community partnerships to develop and put into action programs, initiatives and systems to address safety, anti-violence and character-building.
- Improves student performance, especially in identifying, narrowing or closing the gaps in student achievement.
- Demonstrated success in turning around low performing schools.
- Knowledge of current educational issues, trends, and research and effectively led a district through the rapidly changing state and federal landscape.
- Analyzes and uses data for decision-making to review or improve actions, plans, processes, and systems.



Florida School Boards Association SUPERINTENDENT SEARCH

- Experience leading an organization with diverse cultures.
- Commitment to all children and willing to visit classrooms and participate in student activities.
- Ability to plan and implement continuous improvement and organizational improvement in all academic areas.

Choose the five (5) items that you feel are the most important for your district in the area of **Business, Finance, and Operations:**

- Has experience evaluating and reorganizing staff, revising procedures, and implementing policy changes to improve efficiency.
- Interprets and articulates complex educational and financial data to the Board, staff and community.
- Responsible for all aspects of student and staff safety and security, including oversight of district police force.
- Has efficiently managed the operation of a school district or department of similar size and/or budget.
- Knows how to organize and operate an effective, efficient transportation program.
- Knows how to plan for energy conservation and other operational programs.
- Knows procedures for assessing and improving district operations in all support service areas.
- Has successful experience in planning, managing and evaluating annual budget.
- Has experience developing and implementing budget and accounting control procedures.
- Has successfully developed a zero-based budget to meet district goals.
- Can forecast revenue shortfalls and enrollment changes.
- Can review a budget and note irregularities and areas of potential future concern.
- Has successfully passed voter referenda.
- Has experience supervising purchasing, payroll and other fiscal matters.
- Analyzes and uses data for decision-making to review or improve actions, plans, processes, and systems.
- Values and uses technology to ensure its assimilation and impact on district systems, teaching and learning.
- Demonstrates fiscal responsibility and a strong business and financial background.
- Leads and monitors staff in a large organization.
- Uses sound fiscal practices to maximize the resources of the district.
- Articulates a clear vision for the use of technology in the future.
- Successful innovator.
- Has the ability to successfully apply the legal requirements involved in the administration and management of a public school district including labor relations and the management of the negotiated contract.



Florida School Boards Association SUPERINTENDENT SEARCH

Choose the five (5) items that you feel are the most important for your district in the area of **Board, Staff, and Community Relations:**

- Can successfully get unmotivated or underperforming staff to improve, find a way to positively contribute, or resign.
- Has experience motivating staff and students, improving morale and generating enthusiasm.
- Can successfully engage the public, the media and support groups.
- Has excellent speaking skills with large and small groups.
- Views the School Board as a partner in meeting the goals of the district and strives to develop a positive and strong working relationship that is centered on two-way communication.
- Collaborates with faculty and community members, responds to diverse community interests and needs, and mobilizes community resources.
- Has experience in bringing diverse special interest groups together.
- Is involved in community activities outside of the school district.
- Includes parents, staff, community members, students as appropriate in the development of recommendations.
- Willing to work with governmental, educational and business leaders to enhance educational opportunities and economic development.
- Meets with individuals and diverse community groups comfortably.
- Demonstrates good listening skills and gathers information to make thoughtful, timely decisions.
- Leads in both education and the wider community.
- Is responsive to board concerns and treats all board members equally.
- Demonstrates effective interpersonal skills.
- Experience in leading and supporting tax initiatives.
- Familiarity with Manatee County Schools and community.
- Experience collaborating with strong philanthropical partners.

Choose the five (5) items that you feel are the most important for your district in the area of **Performance Accountability:**

- Successfully delegates authority and responsibility while holding staff accountable.
- Has a willingness to innovate and encourage others to innovate, while remaining accountable to the school board.
- Demonstrated skill in supervising employees at all levels.
- Implemented program for staff evaluation and corrective action/improvement plans.
- Successfully led a district's strategic plan or portion thereof, with identified measurable results and a focus on student performance.
- Maintains high expectations for all employees and students.
- Ability to identify what makes an effective school and create systems and processes to ensure that schools have the supports necessary to achieve.
- Is able to understand and interpret data successfully.



Florida School Boards Association SUPERINTENDENT SEARCH

- Sets goals for self and others; holds self and others accountable through formal and informal evaluations.
- Uses climate assessment results to identify needed areas for improvement and develops plans to address needs.
- Ensures staff performance results in improved performance.
- Ensures that schools located in areas of poverty receive the attention and resources they need.
- Leads and monitors staff in a large organization.
- Analyzes and uses data for decision-making to review or improve actions, plans, processes, and systems.
- Knows and practices effective personnel policies, procedures and practices.
- Models and enforces non-discrimination state and federal regulations.
- Able to assess student performance levels and effectiveness of teachers and programs.
- Implements district strategic plan and reports on progress toward goals.
- Ensures school learning plans are progressing, monitored, adjusted, and result in positive trends in meeting student performance standards.
- Uses climate assessment results in school improvement planning across the district.
- Holds self and others accountable.
- Sets high expectations for self and the organization.
- Experience leading a district-wide professional development program aligned with a strategic plan and instructional goals.

What do you consider to be the two or three most significant strengths of the district?

What do you consider to be the two or three most significant challenges or issues facing the district?

Please check all the stakeholder groups that you represent:

- Parent or guardian
- Community member
- Manatee County School Board Employee (current or former)
- Business Leader
- Student
- Other

Thank you for your input; your feedback is very important in helping to guide the MCPS School Board in selecting the next Superintendent. If you have any questions regarding this survey, please email messina@fsba.org. You can expect a response within 24 hours.



**School Board of Manatee County
January 27, 2023 - Workshop**

Title

Review and Board Discussion of Proposed Amendments to Bylaw and School Board Policies

Executive Summary

The Board will review the proposed amendments to Bylaw and School Board Policies in advance of the March 28, 2023 Public Hearing.

Contact

Submitting Department: Administration

Initiated By: Kevin Chapman

Attachments:

[2023-1-27 Policies for March 28, 2023 Public Hearing](#)

Proposed Amendments to Bylaw and School Board Policies for March 28, 2023 Public Hearing

Bylaw 0165.1 - Agendas (Revised)

- Revision requested by a Board Member on Section D.

Policy 1121.01/3121.01/4121.01 - Criminal Background Screening and Employment History Checks (Revised)

- The revisions to these policies are the result of various provisions in SB 2524 that address background screening and rescreening requirements for certain school district employees, vendors, contractors, and volunteers. Importantly, effective January 1, 2023, the new background screening and rescreening process requires that school districts conduct such screenings in accordance with F.S. 435.12 (i.e. the Care Provider Background Screening Clearinghouse).

Policy 1122/3122/4122 - Nondiscrimination and Equal Employment Opportunity (Revised)

Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity (Revised)

- HB 7 amended F.S. 760.10 (Unlawful Employment Practices) and F.S. 1000.05 (the Florida Educational Equity Act) by making it unlawful discrimination to subject students, employees, or any individual to any activity that espouses, promotes, advances, inculcates, or compels them to believe that certain concepts are discriminatory. The revisions to these policies incorporate the language from HB 7.

Policy 2520 - Selection and Adoption of Instructional Materials (Revised)

- The revisions to Policies 2520 are the result of SB 1048, SB 2524. The revisions to Policy 2520 incorporate statutory revisions requirements that certain committees utilized during the instructional material adoption process be publicly noticed, that the public be given a reasonable opportunity to comment on the selection, approval, and adoption of instructional materials, that instructional materials be published on the school board's website, and that certain books included in school libraries and on reading lists be selected and approved by a school district employee who holds a valid educational media specialist certificate. The revision to Policy 2520 also include a process for the evaluation and selection of books by a media specialist.

Policy 3120.04 - Employment of Substitute and Part-Time Instructional Staff (Revised)

- Revision made due to Rule 6A-1.0503, F.A.C.

Policy 8100 - Interlocal Agreements (Revised)

Policy 9800 - Charter Schools (Revised)

- SB 758 amended F.S. 1002.33 (Charter Schools) by prohibiting school boards from entering into any interlocal agreement that prevents or limits the creation of a charter school. SB 758 also provides that an interlocal agreement entered into by a school board for the development of

only its own district schools, including provisions relating to the extension of infrastructure, may be used by charter schools.

- The revisions to Policy 9800 are also the result of HB 225, HB 899, SB 1048, and SB 2524, and impact the renewal/termination of charter schools, the application procedure, appeals of the proposed termination or nonrenewal of a charter, the timeframe to defer the opening of a charter school's operations, consolidation of multiple charters, virtual charter schools (including references to the soon-to-be adopted Standard Virtual Charter Contract), attendance by charter school governing board members/members of a committee at meetings, charter school operations, distribution of a charter school's proportionate share of salary allocations, School of Hope facilities, and withholding of administrative fees.

Policy 8407 - Safe School Officers (Revised)

- Revisions made due to Rule 6A-1.0018 School Safety Requirements and Monitoring.

Policy 9142 – Educational Equity Policy (Revised)

- Revisions made due to change in Florida Statutes as a result of HB 7.

0165.1 - AGENDAS

The Superintendent shall establish the agenda for School Board meetings in consultation with the Board Chairman. Individual members of the Board may place items for discussion on an agenda by advising the Superintendent of their desire to do so. A motion to rescind or to amend action previously taken shall be timely placed on the agenda since either motion may be considered a "proposition". The Superintendent shall establish reasonable procedures and deadlines for the receipt of requests to place items of business on the agenda and requests to make a presentation in the public discussion period.

The agenda for Board meetings, hearings, and workshops shall be prepared in time to ensure that a copy of the agenda may be received at least seven (7) days before the event by any person in the State who requests a copy and who pays the reasonable cost of the copy. The agenda shall contain the items to be considered in order of presentation.

After the agenda has been made available, changes to the agenda shall be only for good cause, as determined by the person designated to preside, and stated in the record. Notification of such change shall be at the earliest practicable time.

- A. The agenda, along with any meeting materials available in electronic form, excluding confidential or exempt information, should be published on the Board's website at least seven (7) days before the event, and shall include any recommendations of the Superintendent.
- B. The agenda for each regular meeting shall be delivered to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda should be delivered no later than seven (7) days prior to the meeting, so as to provide time for the study of the agenda by the member.
- C. The Board shall transact business according to the agenda prepared by the Superintendent and submitted to all Board members in advance of the meeting. The order of business may be altered and items added at any meeting by a majority vote of the members present.
- D. Consent Agenda

The Board shall use a consent agenda to keep routine matters within a reasonable time frame.

A member of the Board may request any item be removed from the consent agenda and defer it for individual discussion, public comment (if otherwise permitted), and action. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion, public comment (if otherwise permitted), and action. Any item on the consent agenda may be removed and discussed as a nonaction item if the Superintendent or any Board member thinks the item requires further discussion.

- E. The agenda for special meetings called by the Superintendent, or by the Superintendent on request of the Board Chairman, or on the request of a majority of the Board members, shall be prepared upon the calling of the meeting but not less than forty-eight (48) hours prior to such a meeting. The agenda for special meetings, along with any meeting materials available in electronic form, excluding confidential or exempt information, shall be published on the Board's website at least twenty-four (24) hours before the special meeting, and shall include any recommendations of the Superintendent. The order of business at special meetings of the Board shall be established by the Board.
- F. The agenda for emergency meetings, along with any meeting materials available in electronic form, excluding confidential or exempt information, may be published on the Board's website if possible under the circumstances and necessary to protect the public interest.

Revised 10/27/20
Revised 4/13/21
Revised 5/24/22

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1121.01 - CRIMINAL BACKGROUND SCREENING AND EMPLOYMENT HISTORY CHECKS

The safety of its students is of paramount importance to the District. Consistent with this concern for student safety, and in compliance with Florida law, the District requires that, prior to initial employment or re-employment if there has been a break in service, all candidates for all administrative positions shall be subject to a criminal background ~~screening check~~ to determine eligibility for employment.

The application for employment shall inform the applicants that they are subject to a criminal background ~~screening~~ and employment history ~~check checks~~.

The cost of the background screening related to initial employment or re-employment after a break in service will be borne by the candidate for employment.

Background screenings, including all fingerprint requirements, shall be conducted in accordance with F.S. 435.12 and F.S. 1012.32.

If it is found that a person who is employed as an administrator does not meet the screening requirements, the person shall be immediately suspended from working in that capacity and shall remain suspended until final resolution of any appeals.

~~Fingerprints of candidates for employment or re-employment if there has been a break in service shall be submitted to the Florida Department of Law Enforcement (FDLE) for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation (FBI) for Federal criminal records checks.~~ A person who is found ineligible for employment under F.S. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, ~~may shall~~ not be employed, engaged to provide services, or serve in any position that requires direct contact with students. For purposes of this policy, "convicted" means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in F.S. 943.0435.

~~Probationary persons subject to this section who are terminated because of their criminal record have the right to appeal such decisions.~~

~~Individuals whose fingerprints have not been retained by the FDLE must be re-fingerprinted and re-screened upon re-employment or re-engagement to provide services as an administrative staff member in order to comply with the law.~~

Furthermore, before employing an administrator in any position that requires direct contact with students, the Superintendent shall conduct employment history checks of each of the candidate's previous employer(s), review each affidavit of separation from previous employers pursuant to F.S. 1012.31, screen the candidate through use of the educator screening tools described in F.S. 1001.10(5), and document the findings. If unable to contact a previous employer, the Superintendent shall document efforts to contact the employer (F.S. 1012.27(6)). **Background screenings for these candidates must also comply with the requirements of F.S. 1012.465 or F.S. 1012.56 (whichever is applicable).**

Pursuant to State law, all administrators employed by the District must self-report arrests for serious offenses (see AP 1121.01).

~~Additionally, the fingerprints of all administrators who are employed by the District and have no break in service must be re-submitted to the FDLE and to the FBI every five (5) years so that subsequent statewide criminal and juvenile records checks and Federal criminal records checks can be completed as required by law.~~

The cost of this subsequent background screening will be borne by the Board.

The information contained in reports received from the FDLE and the FBI is confidential.

Although permissible by State law, the District will not share information received as the result of the criminal background check with other school districts.

Current employees will be rescreened through the Care Provider Background Screening Clearinghouse in accordance with the following schedule:

- A. Employees for whom the last screening was conducted on or before June 30, 2019 must be rescreened by June 30, 2024;
- B. Employees for whom the last screen was conducted between July 1, 2019 and June 30, 2021 must be rescreened by June 30, 2025; and
- C. Employees for whom the last screening was conducted between July 1, 2021 and December 31, 2022 must be screened by June 30, 2026.

A person is not required to be rescreened before January 1, 2023 solely for the purpose of retention under F.S. 435.12 if the person was screened before participation by the specified agencies named in F.S. 435.12(13)(a).

Furthermore, if information received as a result of the criminal history records check indicates that a certificated administrator has been convicted of certain crimes enumerated by law, the Superintendent must report this information to the Florida Department of Education per Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees.

Revised 2/13/18
Revised 5/24/22

F.S. 435.09
F.S. 435.12
F.S. 943.0435
F.S. 943.0585(4)(a)
F.S. 943.059(4)(a)
F.S. 1001.41
F.S. 1001.42
F.S. 1012.23
F.S. 1012.27
F.S. 1012.315
F.S. 1012.32
F.S. 1012.465
F.S. 1012.56
F.A.C. 6A-10.083

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3121.01 - CRIMINAL BACKGROUND **SCREENING** AND EMPLOYMENT HISTORY CHECKS

The safety of its students is of paramount importance to the District. Consistent with this concern for student safety, and in compliance with Florida law, the District requires that, prior to initial employment or re-employment if there has been a break in service, all candidates for all positions shall be subject to a criminal background **screening check** to determine eligibility for employment.

The application for employment shall inform the applicants that they are subject to **a** criminal background **screening** and employment history **check checks**.

The cost of the background screening related to initial employment or re-employment after a break in service will be borne by the candidate for employment.

Background screenings, including all fingerprint requirements, shall be conducted in accordance with F.S. 435.12 and F.S. 1012.32.

If it is found that a person who is employed as an administrator does not meet the screening requirements, the person shall be immediately suspended from working in that capacity and shall remain suspended until final resolution of any appeals.

~~Fingerprints of candidates for employment or re-employment if there has been a break in service shall be submitted to the Florida Department of Law Enforcement (FDLE) for Statewide criminal and juvenile records checks and to the Federal Bureau of Investigation (FBI) for Federal criminal records checks.~~ A person who is found ineligible for employment under F.S. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, ~~may shall~~ not be employed, engaged to provide services, or serve in any position that requires direct contact with students. For purposes of this policy, "convicted" means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in F.S. 943.0435.

~~Probationary persons subject to this section who are terminated because of their criminal record have the right to appeal such decisions:~~

~~Individuals whose fingerprints have not been retained by the FDLE must be re-fingerprinted and re-screened upon re-employment or re-engagement to provide services as an instructional staff member in order to comply with the law.~~

Furthermore, before employing instructional personnel in any position that requires direct contact with students, the Superintendent shall conduct employment history checks of each of the candidate's previous employer(s), review each affidavit of separation from previous employers pursuant to F.S. 1012.31, screen the candidate through use of the educator screening tools described in F.S. 1001.10(5), and document the findings. If unable to contact a previous employer, the Superintendent shall document efforts to contact the employer (F.S. 1012.27(6)). **Background screenings for these candidates must also comply with the requirements of F.S. 1012.465 or F.S. 1012.56 (whichever is applicable).**

Pursuant to State law, all instructional staff members employed by the District must self-report arrests for serious offenses (see AP 3121.01).

~~Additionally, the fingerprints of all instructional staff members who are employed by the District and have no break in service must be re-submitted to the FDLE and to the FBI every five (5) years so that subsequent Statewide criminal and juvenile records checks and Federal criminal records checks can be completed as required by law.~~

The cost of this subsequent background screening will be borne by the Board.

The information contained in reports received from the FDLE and the FBI is confidential.

Although permissible by State law, the District will not share information received as the result of the criminal history background check with other school districts.

Current employees will be rescreened through the Care Provider Background Screening Clearinghouse in accordance with the following schedule:

- A. **Employees for whom the last screening was conducted on or before June 30, 2019, must be rescreened by June 30, 2024;**
- B. **Employees for whom the last screen was conducted between July 1, 2019, and June 30, 2021, must be rescreened by June 30, 2025; and,**
- C. **Employees for whom the last screening was conducted between July 1, 2021, and December 31, 2022, must be screened by June 30, 2026.**

A person is not required to be rescreened before January 1, 2023, solely for the purpose of retention under F.S. 435.12 if the person was screened before participation by the specified agencies named in F.S. 435.12 (3)(a).

Furthermore, if information received as a result of the criminal history records check indicates that a certificated instructional staff member has been convicted of certain crimes enumerated by law, the Superintendent must report this information to the Florida Department of Education per Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees.

Revised 2/13/18
Revised 5/24/22

F.S. 435.09
F.S. 435.12
F.S. 943.0435
F.S. 943.0585(4)(a)
F.S. 943.059(4)(a)
F.S. 1001.10(5)
F.S. 1001.41
F.S. 1001.42
F.S. 1012.23
F.S. 1012.27(6)
F.S. 1012.315
F.S. 1012.32
F.S. 1012.56
F.A.C. 6A-10.083

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4121.01 - CRIMINAL BACKGROUND **SCREENING** AND EMPLOYMENT HISTORY CHECKS

The safety of its students is of paramount importance to the District. Consistent with this concern for student safety, and in compliance with Florida law, the District requires that, prior to initial employment or re-employment if there has been a break in service, all candidates for all positions shall be subject to a criminal background **screening check** to determine eligibility for employment.

The application for employment shall inform the applicants that they are subject to **a** criminal background **screening** and employment history **check checks**.

The cost of the background screening related to initial employment or re-employment after a break in service will be borne by the candidate for employment.

Background screenings, including all fingerprint requirements, shall be conducted in accordance with F.S. 435.12 and F.S. 1012.32.

If it is found that a person who is employed as a support staff member does not meet the screening requirements, the person shall be immediately suspended from working in that capacity and shall remain suspended until final resolution of any appeals.

Fingerprints of candidates for employment or re-employment if there has been a break in service shall be submitted to the Florida Department of Law Enforcement (FDLE) for Statewide criminal and juvenile records checks and to the Federal Bureau of Investigation (FBI) for Federal criminal records checks.

A person who is found ineligible for employment under F.S. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, **may shall** not be employed, engaged to provide services, or serve in any position. For purposes of this policy, "convicted" means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in F.S. 943.0435.

Probationary persons subject to this section who are terminated because of their criminal record have the right to appeal such decisions.

Individuals whose fingerprints have not been retained by the FDLE must be re-fingerprinted and re-screened upon re-employment or re-engagement to provide service as a support staff member that has direct contact with students in order to comply with the law.

Furthermore, before **employing employment** support staff in any position that requires direct contact with students, the Superintendent shall conduct employment history checks of each of the candidate's previous employer(s), review each affidavit of separation from previous employers pursuant to F.S. 1012.31, and document the findings. If unable to contact (a) previous employer(s), the Superintendent shall document efforts to contact the employer (**F.S. 1012.27(6)**). **Background screenings for these candidates must also comply with the requirements of F.S. 1012.465 or F.S. 1012.56 (whichever is applicable).**

All support staff members employed by the District must self-report arrests for serious offenses (see AP 4121.01).

Additionally, the fingerprints of all support staff members who are employed by the District and have no break in service must be re-submitted to the FDLE and to the FBI every five (5) years so that subsequent Statewide criminal and juvenile records checks and Federal criminal records checks can be completed as required by law.

The cost of this subsequent background screening will be borne by the Board.

The information contained in reports received from the FDLE and the FBI is confidential.

Although permissible by State law, the District will not share information received as the result of the criminal history background check with other school districts.

Current employees will be rescreened through the Care Provider Background Screening Clearinghouse in accordance with the following schedule:

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- C. Employees for whom the last screening was conducted between July 1, 2021, and December 31, 2022, must be screened by June 30, 2026.

A person is not required to be rescreened before January 1, 2023, solely for the purpose of retention under F.S. 435.12 if the person was screened before participation by the specified agencies named in F.S. 435.12 (3)(a).

F.S. 435.09

F.S. 435.12

F.S. 943.0435

F.S. 943.0585(4)(a)

F.S. 943.059(4)(a)

F.S. 1001.10(5)

F.S. 1001.41

F.S. 1001.42

F.S. 1012.27(6)

F.S. 1012.315

F.S. 1012.32

F.S. 1012.465

F.S. 1012.56

F.A.C. 6A-10.083

Revised 2/13/18

Revised 5/24/22

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1122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

I. General Statement

The School Board does not discriminate on the basis of race, (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, national origin, sex (including sexual orientation, gender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes") in its programs and activities, including employment opportunities.

The Board does not, as a condition of employment, membership, certification, licensing, credentialing, or passing and examination, subject individuals to training, instruction, or other required activity that is prohibited under F.S. 760.10 and F.S. 1000.05. Prohibited discrimination also occurs when any student or employee is subjected to training or instruction that is unlawful under F.S. 1000.05.

It is the legal obligation and the policy of the Board to employ only those persons who are best qualified, with or without reasonable accommodations.

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

II. Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the reporting party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

School District community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

For purposes of this policy, "military status" refers to a person's status in the uniformed services, which includes the performance of duty, on a voluntary basis, or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, and full-time National Guard duty. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

III. District Compliance Officer(s)

The Superintendent shall appoint compliance officers whose responsibility it will be to require that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. The Superintendent shall also require that proper notice of

nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, and the Age Discrimination in Employment Act will be provided to staff members and the general public. Any sections of the District's collectively bargained, negotiated agreements dealing with hiring, promotion, and tenure will contain a statement of nondiscrimination similar to that in the Board's statement above.

A. Compliance Officer(s)

The following person is designated as the Compliance Officer (CO):

Schools and Educational Facilities
Dr. Robert "Pace" Edwards
Title IX Coordinator
2501 63rd Avenue East
Bradenton, Florida 32403
(941) 751-6550 x43038
Email: Edwards2p@manateeschools.net

District & Employment
~~Richard Bailey~~ ~~Wendy Mungillo~~
~~Director~~ Chief of Human Resources
~~Student~~ School Support Center
215 Manatee Avenue West
Bradenton, Florida 34205
(941) 708-8770 x41239
Email: baileyr3@manateeschools.net mungillow@manateeschools.net

B. Publication Required

The name(s), title(s), and contact information of this/these individual(s) will be published annually in the staff handbooks and/or on the School District's website.

IV. **Complaint Procedures**

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected to unlawful discrimination, may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter. Nothing contained in this policy is intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations ("FCHR"), or the Equal Employment Opportunity Commission ("EEOC").

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation, or misapplication of Federal and/or State law. In addition, employees will be notified of their right to file a complaint with the OCR, FCHR, or EEOC.

Internal complaints must be in writing and identify the specific circumstances or areas of dispute that have given rise to the complaint and offer possible solutions to the dispute. The complaint must be filed with a compliance officer within the time limits specified below. The compliance officer is available to assist individuals in filing a complaint.

V. **Internal Complaint Procedure**

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination that is prohibited in this policy. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the OCR, FCHR, or EEOC.

- A. An employee with a complaint based on alleged discrimination may first discuss the problem with the compliance officer.
- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the compliance officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the compliance officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint unless the time for filing is extended by the compliance officer for good cause.
- C. The compliance officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The compliance officer will provide the complainant with a written disposition of the complaint within ten (10) workdays. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent.
- D. The Superintendent will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.
- E. The Superintendent will render his/her decision within ten (10) days of the hearing.
- F. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.
- G. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

VI. **Filing a Complaint with OCR/FCHR/EEOC**

At any time, if an employee believes that they have been subjected to unlawful discrimination, the individual may file a complaint with the OCR, FCHR, or EEOC.

VII. **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set

forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

VIII. **Training**

The compliance officers will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Federal and State law, and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law.

IX. **Notice**

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the compliance officers will be posted throughout the District, and published in the District's recruitment statements or general information publications as required by Federal and State law and this policy.

X. **Retention of Public Records, Student Records, and Investigatory Records and Materials**

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315) created and received as part of an investigation in accordance with the Boards' records retention policy and applicable Federal and State law. Any records which are considered student records in accordance with the *Family Education Rights and Privacy Act* shall also be maintained in a manner consistent with the provisions of the Federal and State law.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, and Policy 8320 for not less than three (3) years, but longer if required by the District's records and retention schedule.

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Revised 9/10/19
Revised 11/9/21
Revised 4/12/22

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3122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

I. General Statement

The School Board does not discriminate on the basis of race, (including anti-Semitism [as defined in Bylaw 0100]), ethnicity, color, national origin, sex (including sexual orientation, gender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes") in its programs and activities, including employment opportunities.

The Board does not, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, subject individuals to training, instruction, or any other required activity that is prohibited under F.S. 760.10 and F.S.1000.05. Prohibited discrimination also occurs when any student or employee is subjected to training or instruction that is unlawful under F.S. 1000.05.

It is the legal obligation and the policy of the Board to employ only those persons who are best qualified, with or without reasonable accommodations.

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

II. Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the reporting party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

School District community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

For purposes of this policy, "military status" refers to a person's status in the uniformed services, which includes the performance of duty, on a voluntary basis, or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, and full-time National Guard duty. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

III. District Compliance Officer(s)

The Superintendent shall appoint compliance officers whose responsibility it will be to require that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. The Superintendent shall also require that proper notice of

nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, and the Age Discrimination in Employment Act will be provided to staff members and the general public. Any sections of the District's collectively bargained, negotiated agreements dealing with hiring, promotion, and tenure will contain a statement of nondiscrimination similar to that in the Board's statement above.

A. Compliance Officer(s)

The following person is designated as the Compliance Officer (CO):

Schools and Educational Facilities
Dr. Robert "Pace" Edwards
Title IX Coordinator
2501 63rd Avenue East
Bradenton, Florida 32403
(941) 751-6550 x43038
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~~Richard Bailey~~ ~~Wendy Mungillo~~
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215 Manatee Avenue West
Bradenton, Florida 34205
(941) 708-8770 x41239
Email: baileyr3@manateeschools.net mungillow@manateeschools.net

B. Publication Required

The name(s), title(s), and contact information of this/these individual(s) will be published annually in the staff handbooks and/or on the School District's website.

IV. **Complaint Procedures**

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected to unlawful discrimination, may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter. Nothing contained in this policy is intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations ("FCHR"), or the Equal Employment Opportunity Commission ("EEOC").

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation, or misapplication of Federal and/or State law. In addition, employees will be notified of their right to file a complaint with the OCR, FCHR, or EEOC.

Internal complaints must be in writing and identify the specific circumstances or areas of dispute that have given rise to the complaint and offer possible solutions to the dispute. The complaint must be filed with a compliance officer within the time limits specified below. The compliance officer is available to assist individuals in filing a complaint.

V. **Internal Complaint Procedure**

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination that is prohibited in this policy. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the OCR, FCHR, or EEOC.

- A. An employee with a complaint based on alleged discrimination may first discuss the problem with the compliance officer.
- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the compliance officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the compliance officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint unless the time for filing is extended by the compliance officer for good cause.
- C. The compliance officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The compliance officer will provide the complainant with a written disposition of the complaint within ten (10) workdays. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent.
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Revised 9/10/19

Revised 11/9/21

Revised 4/12/22

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4122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

I. General Statement

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- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the compliance officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the compliance officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) days of the circumstances or event giving rise to the complaint unless the time for filing is extended by the compliance officer for good cause.
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VII. **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set

forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

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The compliance officers will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Federal and State law, and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law.

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The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

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Revised 2/13/18
Revised 9/10/19
Revised 11/9/21
Revised 4/12/22

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2260 - NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

I. General Statement

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship, and/or personal sense of self-worth. As such, the School Board will not discriminate nor tolerate harassment in its educational programs or activities on the basis of race, color, national origin, sex (including sexual orientation, gender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information, which are classes protected by State and/or Federal law (collectively "protected classes").

The Board does not, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, subject individuals to training, instruction or any other required activity that is prohibited under F.S. 760.10 and F.S. 1000.05. Prohibited discrimination also occurs when any student or employee is subjected to training or instruction that is unlawful under F.S. 1000.05.

The Board also does not discriminate on the basis of protected classes in its employment policies and practices as they relate to students.

Equal educational opportunities shall be available to all students, without regard to the protected classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

In order to achieve the aforesaid goal, the Superintendent shall:

A. Curriculum Content

review current and proposed courses of study and textbooks to detect any bias based upon the protected classes, as well as sexual orientation or transgender identity, ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc., toward the development of human society;

B. Staff Training

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon the protected classes, in all aspects of the program;

C. Student Access

1. review current and proposed programs, activities, facilities, and practices to verify that all students have equal access thereto and are not segregated on the basis of the protected classes, in any duty, work, play, classroom, or school practice, except as may be permitted under State and Federal laws and regulations;
2. verify that facilities are made available for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group that is officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society pursuant to Board Policy 7510 - Use of District Facilities;

In accordance with Florida statute, the Board may establish and maintain a single-gender nonvocational class, extra-curricular activity, or school for elementary, middle, or high school students.

D. District Support

verify that like aspects of the District's program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. Student Assessment

verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of the protected classes, as well as sexual orientation or transgender identity.

II. **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the reporting party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

School District community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

III. **District Compliance Officer(s)**

A. Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

Schools and Educational Facilities
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B. Publication

The name(s), title(s), and contact information of this/these individual(s) will be published annually in the staff handbooks and/or on the School District's website.

C. Duties and Responsibilities

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The CO(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), the Age Discrimination Act of 1975, the Florida Civil Rights Act of 1992, the Florida Educational Equity Act, and/or their implementing regulations is provided to students, their parents, staff members, and the general public. A copy of each of the acts and regulations on which this notice is based may be found in the CO's office.

D. Students with Disabilities, Limited English Proficiency, or Other Needing Additional Services

The Superintendent shall annually attempt to identify children with disabilities, ages 3-22, who reside in the District but do not receive public education. In addition, s/he shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in District programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation, and exit procedures and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading, and writing, on an annual basis (see AP 2260F). The Superintendent is responsible for verifying that a concentration of students who are Limited English Proficient (LEP) in one or more programs is not the result of discrimination.

- E. The Board is committed to educating (or providing for the education of) each qualified person with a disability with persons who are not disabled to the maximum extent appropriate. Generally, the District will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment, even with the use of supplementary aids and services cannot be achieved satisfactorily. If the Board operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

IV. **Reports and Complaints of Unlawful Discrimination and Retaliation**

Students and Board employees are required, and all other members of the School District community and Third Parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other District official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the CO at his/her first convenience and/or within two (2) business days.

Members of the School District community, which includes students or third parties, who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the

facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Harassment, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a protected class, the Principal shall report the act to one of the COs who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend the Policy 5517.01 investigation to await the CO's written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide the Principal with a copy of the resulting written report.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept reports of unlawful discrimination/retaliation directly from any member of the School District community Third Party, or receive reports that are initially filed with another Board employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact Complainant, if age eighteen (18) or older, or the Complainant's parents/guardians if the Complainant is under the age of eighteen (18), within two (2) school days to advise s/he/them of the Board's intent to investigate the alleged wrongdoing.

V. **Investigation and Complaint Procedure**

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any student who alleges to have been subjected to unlawful discrimination or retaliation may seek resolution of the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"). The Atlanta Office of the OCR can be reached at 61 Forsyth Street, SW. - Suite 19T10, Atlanta, GA 30303-8927 Phone: (404) 974-9406 FAX; (404) 974-9471 Web: <http://www.ed.gov/ocr>.

A. Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student alleges unlawful discrimination/retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

Students who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community and a student will be formally investigated.

- B. As an initial course of action, if a Complainant feels comfortable and safe doing so, the individual should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.
- C. A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other District-level employee; and/or (3) directly to one of the COs.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one (1) or more of the following:

1. Advising the Complainant about how to communicate concerns to the Respondent.
2. Distributing a copy of Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity to the individuals in the school building or office where the Respondent works or attends.
3. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee is directed to attempt to resolve all informal complaints within fifteen (15) days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the COs in accordance with the Board's records retention policy and/or student records policy. (See Policy 8310)

D. Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one (1) of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the Complainant, from the outset, elects to file a formal complaint, or the Compliance Officer(s) determines the allegations are not appropriate for resolution

through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Principal, or other District official at the student's school, the CO, Superintendent, or another District official who works at another school or at the District level. Due to the sensitivity surrounding complaints of unlawful discrimination, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs. If a Complainant informs a teacher, Principal, or other District official at the student's school, Superintendent, or other District employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) days.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent a detailed description of the facts upon which the complaint is based (i.e., when where, and what occurred); a list of potential witnesses; and the resolution sought by the complainant.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult Complainant to assess whether the individual agrees with the proposed action. If the complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

Within two (2) days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the complainant has been subjected to unlawful discrimination/retaliation. A Principal will not conduct an investigation unless directed to do so by the CO.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

1. interviews with the complainant;
2. interviews with the respondent;
3. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
4. consideration of any documentation or other information presented by the complainant, respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful discrimination/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if unlawful discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or designee, the Superintendent must either issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

The decision of the Superintendent shall be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the student alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

VI. Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the complainant, the respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

All records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the CO in accordance with the Board's records retention policy. Any records that are considered student education records in accordance with the Family Educational Rights and Privacy Act or under Florida's student records law will be maintained in a manner consistent with the

provisions of the Federal and State law.

VII. Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

VIII. Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

IX. Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information, provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

X. Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to:

- A. all written reports/allegations/complaints/statements;

- B. narratives of all verbal reports/allegations/complaints/statements;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;
- E. written witness statements;
- F. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- G. all documentary evidence;
- H. e-mails, texts, or social media posts pertaining to the investigation;
- I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- K. dated written determinations to the parties;
- L. dated written descriptions of verbal notifications to the parties;
- M. written documentation of any interim measures offered and/or provided to complainants, including no-contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt;
- N. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- O. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no-contact orders issued to both parties, the dates the no-contact orders were issued, and the dates the parties acknowledged receipt of the no-contact orders;
- P. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);
- Q. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination, ~~or~~ harassment, **or retaliation**; and
- R. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, and Policy 8320 for not less than three (3) years, but longer if required by the District's records retention schedule.

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2520 - SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS

The School Board adopts courses of study pursuant to State law. When adopting courses of study, State law also requires the Board to adopt and provide adequate instructional materials to students enrolled in the District.

"Adequate instructional materials" means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serves as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature.

Furthermore, Federal law requires the Board to provide accessible instructional materials as specified in a student's Individualized Education Program (IEP). Such accessible instructional materials may be of a type or in a format as specified in the definition of adequate instructional materials in this policy.

As required by State law, instructional materials adopted and used in the District shall be consistent with the goals and objectives in the District's adopted course of study and with the course descriptions established by State Board rule. The Board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school library, or included on a reading list. ~~Upon written request, an individual will be provided access to material or books specified in the written request that are maintained in a District library if such material or books are available for review. The school principal shall arrange for a convenient time to provide such access.~~

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The Superintendent shall develop administrative procedures that set forth a process to involve staff in the review and evaluation of instructional materials. The staff involved in this process shall recommend to the Superintendent for submission to the Board for adoption the instructional materials that address the goals and objectives for adopted courses of study and the course descriptions established by State Board rule. The instructional materials shall be from the State-adopted instructional materials list if there has been a State adoption or from publishers and other resources if there has not been a State adoption. A meeting of a committee for the purpose of ranking, eliminating, or selecting instructional materials for recommendation to the Board must be noticed and open to the public in accordance with F.S. 286.011. A committee convened for such purposes must include parents of District students.

The Superintendent's procedures shall also prescribe the process for the acquisition, management, use, accountability, and reporting requirements of all instructional materials.

Adoption of Instructional Materials

Prior to submitting a recommendation to the Board regarding the recommended instructional materials, those materials will be accessible for review online for at least twenty (20) calendar days prior to the open publicly noticed meeting at which a public hearing will be held so that the Board can receive comment, if any, about the instructional material under consideration for adoption. The Superintendent shall establish reasonable safeguards against the unauthorized use, reproduction, and distribution of the instructional material under consideration.

Following the public hearing, the Board may act upon the Superintendent's recommendation to adopt the instructional materials. The Board will select, approve, and adopt all materials as a separate line item on the regular (non-consent) agenda and will provide a reasonable opportunity for public comment.

At an open publicly noticed meeting following the meeting at which the instructional material is adopted, the Board shall consider a recommendation to approve an annual instructional materials plan that identifies any instructional materials to be purchased pursuant to the instructional materials review process described herein.

The Superintendent shall maintain a list of all adopted instructional materials.

Publication on Website

The Board will publish on its website, in a searchable format, a list of all instructional materials, including those used to provide required instruction under Florida law.

School Library Media Centers and Reading Lists

Effective July 1, 2022, each book newly made available to students through a school library media center or included in a recommended or assigned school or grade level reading list must be selected and approved by a District employee who holds a valid educational media specialist certificate, regardless of whether the book is purchased, donated or otherwise made available to students.

Purchase of Instructional Materials

Following adoption by the Board, requisitions shall be issued to purchase current instructional materials from the State-adopted instructional materials list so that each student in kindergarten through grade 12 will have a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature. Any materials purchased shall be free of pornography and material prohibited under F.S. 847.012, suited to student needs and their ability to comprehend the material presented, and appropriate for the grade level and age group for which the materials are used or made available. **The Board will purchase all materials as a separate line item on the regular (non-consent) agenda and will provide a reasonable opportunity for public comment.**

Requisitions shall also be issued to purchase instructional materials that will be the major tool of instruction for subjects in the State Course Code Directory for which the Board has adopted courses of study, but for which there are no materials on the State-adopted instructional materials list.

The Superintendent shall approve these purchases.

In any year in which the total instructional materials allocation for District has not been expended or obligated prior to June 30th, the unobligated amount shall be carried forward and added to the next year's allocation.

The District shall maintain on its website a current list of instructional materials, by grade level, purchased by the District.

Presentations to Students

Presentations to individuals or students by outside groups are deemed to be instructional, and as such, are subject to principal approval. These presentations must support the District curriculum and be approved by the principal in writing.

Achieving Desired Results from Instructional Materials

To achieve the desired results, the instructional materials must conform to the following:

- A. be used as designed, including the recommended protocols of the time required;
- B. support the current Florida State standards and District curriculum;
- C. be culturally relevant;
- D. be used in such a way that appropriate instructional practices meet the needs of all students, included ESE (Exceptional Student Education), ELL (English Language Learners), and gifted;
- E. be the most current materials whether adopted, non-adopted, or ancillary;
- F. contribute to achieving the District's mission and strategic objectives;
- G. be included as part of teachers' lesson plans.

Criteria for Evaluation of Instructional Materials

As an inherent condition of employment, all instructional personnel must ensure that any materials used with student meet the criteria as follows:

- A. support or contribute to achieving the School District’s mission, core values, and strategic objectives;
- B. provide an accurate portrayal of ethic, socioeconomic, cultural, and racial diversity in our society;
- C. are accurate, objective, current, age-appropriate, and suited to the academic needs, reading levels, and comprehension levels of students, including ESE, ELL, and gifted;
- D. meet the State and District standards;
- E. are free of pornography or materials that are otherwise prohibited by Florida statute.

Use of Electronic Media

- A. Instructional staff are required to be knowledgeable of the current School District’s procedures regarding the Motion Picture Association of America (MPAA) Rating System for DVDs and other commercially produced non-print electronic media.
- B. The MPAA Rating System is defined as follows:
 - 1. G – Movie suitable for all ages
 - 2. PG – Parental guidance suggested – Contains mature themes, may not be suitable for young children.
 - 3. PG 13 – Parents strongly cautioned – Contains mature themes, may not be suitable for children under thirteen (13) years old.
 - 4. R – Restricted – Contains mature themes (usually sex, violence, or profanity). Children under seventeen (17) not admitted without an adult.
 - 5. NC17 – No children under seventeen (17) admitted.
- C. Instructional staff must adhere to rules for using DVDs and other commercially produced electronic medial in the District. The use of electronic media must be relevant to the District curriculum and reflected in the lesson plan.
 - 1. If films having a rating other than G are to be used at the elementary school level, the principal must approve the use and parental permission forms signed by the parent or legal guardian must be on file for each electronic medial title prior to its showing. Teachers will offer parents an opportunity to preview the materials.
 - 2. If films having a rating other than G or PG are to be used at the middle school level, the principal must approve the use and parental permission forms signed by the parent or legal guardian must be on file for each electronic media title prior to its showing. Teachers will offer parents an opportunity to preview the materials.
 - 3. If films having a rating other than G, PG, or PG-13 are to be used at a high school level, the principal must approve the use and parental permission forms signed by the parent or legal guardian must be on file for each electronic media title prior to its showing. Teachers will offer parents an opportunity to preview the materials.

Inventory of Adopted and District-Wide Instructional Materials

- A. An annual inventory of all State adopted and District approved instructional materials and related teacher support materials for those items (not including consumables) shall be completed by each school site. This inventory includes materials purchased for use in place of State adopted items. The annual instructional materials inventory shall be completed through the District’s approved software program for textbook inventory.

- B. Each school shall complete and submit reports showing "0" quantity of unaccounted titles along with a list of lost/unaccounted materials to the District Instructional Materials Office to substantiate that the school's instructional materials inventory is complete. Items marked as "unaccounted for" shall remain marked as such in the inventory record for the duration of the adoption for the subject.

Accountability

- A. Each District school is accountable to the Board for the replacement or reimbursement of all lost State adopted and District recommended instructional materials.
- B. If a student fails to pay for lost or damaged instructional materials either through monetary payment or community service, the principal may suspend the student from participating in extra-curricular activities until the obligation is satisfied.
- C. All instructional materials purchased with District or school funds remain the property of the School District and must be retained at the site. Teachers to whom materials are checked out must return these materials before transferring to another school or leaving the District. Teachers will be required to pay for lost or damaged materials. If they do not make adequate restitution, they will be subject to disciplinary action. Materials lost by students or teachers will be replaced by the purchase of a duplicate copy in good condition for the first two (2) years after being marked lost or until the end of the adoption whichever comes first or payment of 100% of the original cost. This obligation shall remain open and active until satisfied.
- D. Each school principal shall provide information regarding responsibility about and the value of loaned instructional materials to parents, students, and teachers. The District's "Code of Student Conduct" will include reference to the student's responsibility for lost books. The school will ensure that the school's teacher handbook includes reference to the teacher's responsibility regarding instructional materials loaned to them for use.
- E. The following Florida statute should be included in both student and teacher handbooks. Responsibility of students and parents for instructional materials are as follows:
 - 1. All instructional materials purchased under the provisions of this part are the property of the District. When distributed to the students, these instructional materials are on loan to the students while they are pursuing their courses of study and are to be returned at the direction of the school principal or the teacher in charge. Each parent of a student to whom or for whom instructional materials have been issued, is liable for any loss or destruction of, or unnecessary damage to, the instructional materials or for failure of the student to return the instructional materials when directed by the school principal or the teacher in charge and shall pay for such loss, destruction, or unnecessary damage as provided by law.
 - 2. Nothing in this part shall be construed to prohibit parents from exercising their right to purchase instructional materials from the School District.

Sale of Instructional Materials

- A. The Board does not keep an inventory of instructional materials used in the District's schools for loan or sale to community members.
- B. Those wishing to purchase copies of the textbooks used by the students in the School District should contact the Board Instructional Materials Office where assistance in procuring the appropriate materials will be provided.

Obsolete, Unserviceable or Surplus Instructional Materials

- A. Instructional materials may become obsolete, unserviceable, or surplus as follows:
 - 1. when they are replaced by newly adopted materials;
 - 2. when the condition of the materials makes them unwanted.

With District level approval through the Instructional Materials Office, schools are encouraged to give their unwanted instructional materials to other public education programs within the District or State, to their teachers to use in developing supplementary teacher materials, to students or others, or to any charitable organization, governmental agency, home education students, or private schools. School District Instructional Materials labels must be removed from any and all surplus materials being received by any organization or individual.

- B. District or schools may sell their unwanted instructional materials that are out of adoption to used book dealers, recycling plants, pulp mills, or other persons, firms, or corporations upon such terms as most economically advantageous to the School District.

Replacement and Purchase of Instructional Materials by Students/Parents

Students shall be held responsible for the cost of replacing any instructional materials lost, destroyed, or unnecessarily damaged. Failure to provide payment for the damage or loss may result in the suspension of the student from participation in extra-curricular activities, or the debt may be satisfied by the student performing community service activities at the school site as determined by the school principal.

A student or their parent(s) may purchase a copy of the designated course instructional materials, regardless of format, for the District's purchase price, including shipping, plus ten percent (10%).

Cost of materials may be charged for materials used in those activities beyond the basic curriculum in which a student elects to participate, particularly in activities where the product becomes the property of the student.

Process for Parents and Residents to Contest Adoption of Instructional Materials

The following individuals may file an objection to the adoption of a specific instructional material:

- A. parents of students in the District; and
- B. residents of the county.

For purposes of this policy, "resident" means a resident of the county who has maintained his/her residence in Florida for the preceding year, has purchased a home that is occupied by him/her as his/her residence, or has established a domicile in Florida pursuant to F.S. 222.17.

Filing a Petition

A parent or resident must file a petition with the Board within thirty (30) calendar days after the Board's adoption of specific instructional material on a form provided by the Board. The petition form shall be publicly available by visiting any school in person or by accessing the link on the Board's website. The petition must be signed by the parent or resident, include the required contact information, and state the objection to the instructional material based on the criteria set forth in F.S. 1006.31(2) or 1006.40(3)(d).

Timeframe for Hearing

When the thirty (30) calendar day period following Board adoption of the instructional material in question has expired, the Board will conduct at least one (1) open public hearing before an unbiased and qualified hearing officer for all timely petitions received.

Hearing Officers

Hearing officers are not employees or agents of the District with the exception of any agreement entered into for purposes of conducting the hearings set forth herein. Hearing officers shall be selected annually by the Board from a list of candidates provided by the Superintendent.

Procedures for Hearings

Petitioners will have an adequate and fair opportunity to be heard and present evidence to the hearing officer. Hearings shall be conducted as follows:

- A. The petitioner may make an opening statement.
- B. The District's representative may make an opening statement.
- C. The petitioner may present evidence (including documents and testimony from witnesses) that instructional material does not meet the criteria of F.S. 1006.31(2) or 1006.40(3)(d) if it was selected for use in a course or otherwise made available to students in the School District but was not subject to the public notice, review, comment, and hearing procedures under F.S. 1006.283(2)(b)8., 9., and 11.
- D. The District representative may present evidence (including documents and testimony from witnesses) that the instructional material does meet the criteria of F.S. 1006.31(2) or 1006.40(3)(d) if it was selected for use in a course or otherwise made available to students in the School District but was not subject to the public notice, review, comment, and hearing procedures under F.S. 1006.283(2)(b)8., 9., and 11.
- E. The petitioner may make a closing statement.
- F. The District representative may make a closing statement.

Within fourteen (14) days of the date of the hearing, the hearing officer shall submit a recommended order to the Board. The Board shall consider the recommended order and enter a final order at a publicly noticed Board meeting. If the petitioner proves that instructional material does not meet the criteria required under F.S. 1006.28, or contains prohibited material under that statute, it shall be removed in accordance with Florida law. The Board's decision is final and not subject to further petition or review.

Hearings under this policy are not subject to the provisions of F.S. Chapter 120.

Parent and Resident Objections to Instructional Material Used in Classrooms, Made Available in a School Library, or Included on a Reading List

Parents and residents of the county may object to the use of a specific instructional material in the classroom, made available in a school library, or included on a reading list based on the criteria set forth in F.S. 1006.28(2)(a)2. or F.S. 1014.05(1)(c).

For purposes of this policy, "resident" means a resident of the county who has maintained their residence in Florida for the preceding year, has purchased a home that is occupied them as their residence, or has established a domicile in Florida pursuant to F.S. 222.17.

Parents and residents of the county should make any such objection in writing to the principal identifying the specific instructional material and stating the basis for the objection.

The principal will review the objection and may meet with the teacher or objector, or both, in an attempt to resolve the objection, which may include using an alternative instructional material. If the objection is not resolved to the objector's satisfaction, the principal shall refer the matter to the appropriate District-level curriculum supervisor.

The District-level curriculum supervisor will meet with the objector and attempt to resolve the objection. If the objection is still not resolved to the objector's satisfaction, the matter will be referred for a hearing, using the hearing procedures set forth in Policy 2520.

If the Board finds that the instructional material does not meet the criteria under F.S. 1006.28(2)(a)2.a. or that any other material contains prohibited content under F.S. 1006.28(2)(a)2.b., the district will discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable. The decision of the Board shall be final.

Free School-Related Instructional Materials

Free instructional materials may be accepted for classroom and school purposes under conditions that meet all the following criteria:

- A. The initiative for securing the materials should be of the type that teachers seek rather than materials forwarded to them to promote the interests of an outside agency.
- B. The materials should fill a legitimate purpose of the school curriculum.
- C. The advertising feature of the materials should be minimized.
- D. Educational films should contain a minimum amount of commercial advertising.

Equipment or Instructional Materials Vendors

The principal may permit vendors to demonstrate and show only that equipment and instructional materials which can be used to improve the instructional program and which are under consideration for purchase by the school.

New Worlds Reading Initiative

The New Worlds Reading Initiative, created by the Florida Department of Education, provides high-quality, free books directly to K-5 students who **are reading below grade level and to improve the literacy skills of students in K-12**~~score below a level 3 in the preceding year's statewide English Language Arts Assessment (ELA), or having a substantial reading deficiency.~~ The **District**~~school district~~ must notify parents of eligible students upon enrollment and at the beginning of each school year options for specific book topics or genres in order to maximize student interest in reading~~in writing and provide them with the application form, which must allow for the selection of specific book topics or genres for the student.~~ The **d**District must coordinate monthly book deliveries with the program administrator beginning no later than October and continuing through at least June.~~However, for the 2021-2022 school year only, delivery may begin no later than December 31, 2021.~~ The **d**District must participate in the initiative by partnering with local nonprofit organizations and raising awareness by using marketing materials provided by the program administrator. A student's eligibility for the initiative continues until promotion to grade 6 or until the parent opts out of the initiative.

The District shall coordinate with each charter school it sponsors for the purposes of identifying eligible students, notifying parents, coordinating book deliveries, providing the opportunity to annually select book topics and genres, and raising awareness of the initiative.

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Revised 1/25/22

Revised 9/13/22

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3120.04 - EMPLOYMENT OF SUBSTITUTE AND PART-TIME INSTRUCTIONAL STAFF

When it becomes necessary to employ instructional personnel on a temporary basis, such employment is on a limited-time basis for the purpose of filling a vacancy for which a regular employee cannot be found, or to perform some task of a temporary nature. This employment shall end at the close of the school term, at the end of the fiscal year, or at the time when the temporary task is completed.

A. Substitute Teachers

The School Board authorizes the employment of State and District certificated substitute teachers pursuant to Florida law. The employment of substitute teachers shall be in accordance with a planned program developed by the District.

Each school principal is authorized to employ a substitute teacher when an instructional staff member is unable to perform assigned duties. The principal shall obtain substitute teachers from the approved list published by the Personnel Office.

In the absence of a regular teacher, a substitute teacher shall be employed under the following conditions:

1. All substitute teachers shall observe the same hours and perform the same duties as regular teachers.
2. Each substitute teacher shall conduct classes according to lesson plans and schedules prepared by the teacher who is absent.
3. The principal shall determine whether substitutes will be responsible for the extra-curricular duties assigned to the regular teacher. Each substitute shall leave for the returning teacher a summary of the work covered and work assigned to students.
4. Compensation of substitute teachers shall be established by the Board.
5. Each substitute teacher shall file a complete set of fingerprints as required in Policy 3121.01 - Employment History and Criminal Background Checks.
6. A school may issue a substitute performance report requesting removal of a substitute from service to the school. Three (3) substitute performance reports during the school year, or ten (10) reports total, will result in termination of the substitute. Additionally, the District may remove a substitute teacher from its approved list of substitute teachers with or without cause. The substitute teacher removed from the approved list shall not have no further recourse against the District unless removal from the approved list is in violation of State or Federal law.

Upon request from an early learning coalition serving students in Manatee County, the District will make available to the coalition a list of persons eligible to act as a substitute teacher in this District.

B. Long-Term Substitute Teachers

In the absence of a regular teacher, a long-term substitute teacher shall be employed when it is known or determined that the regular teacher will be absent for more than thirty (30) consecutive work days or for the remainder of the school year. Long term substitutes working in Title I schools must be compliant with qualifications in current Federal laws.

Substitutes may also serve as long term substitutes where position vacancies exist during which time a school will continue to search by posting the vacant position for a regular employee.

If the long-term substitute is assigned as the primary instructor as defined per Rule 6A-1.0503, F.A.C, the substitute is required to hold the required certification for the course to which they are assigned even if their job code is substitute.

C. Part-Time Instructional Staff

The Superintendent is authorized to employ temporary or part-time personnel as needed to teach less than a full school day or less than a full school year.

Part-time positions for summer programs are handled according to summer program procedures. Other District programs such as after school and migrant tutoring may employ part-time instructors providing they hold appropriate certification.

Employees in bargaining units should refer to the current collective bargaining agreement for additional provisions regarding part-time positions for summer programs.

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8100 - INTERLOCAL AGREEMENTS

The School Board may enter into interlocal agreements for such matters as, but not limited to, the transportation of students, for building rental, for maintenance and upkeep of school plants, for the use of school buses for public purposes, including, but not limited to providing for the needs of the transportation disadvantaged, and for other public purposes. The interlocal agreement may provide for reimbursement to the District in full or in part the proportionate share of the fixed and operating costs incurred.

The public agency receiving services from the Board shall indemnify and hold harmless the Board from any and all liability.

The District is prohibited from entering into any interlocal agreement that prohibits or limits the creation of a charter school. An interlocal agreement entered into by the District for the development of only its own District schools, including provisions relating to the extension of infrastructure, may be used by charter schools.

DEVELOPMENT REVIEW AND SCHOOL CONCURRENCY

POLICY

The School District's policy is to plan for adequate public school facilities and to require that schools are available at the adopted level-of-service standards concurrent with development's impacts.

F.S. 163.01

F.S. 1002.3301

F.S. 1003.02

F.S. 1006.261

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9800 - CHARTER SCHOOLS

F.S. 1002.33 gives the School Board oversight responsibility for all charter schools situated within Manatee County. The Board, referred to as the "sponsor" or "District", designates the Superintendent to receive and review all charter applications. The Superintendent shall recommend to the Board the approval or denial of each charter application and charter contract. The Board shall have final authority, by majority vote, to approve or deny any application and charter contract.

Approved charter schools are public schools and shall receive goods and services from the sponsor as required by law and/or specified through a contract with the sponsor.

If approved, the initial charter shall be for a term of five (5) years, excluding up to three (3) planning years. The sponsor may renew charters under the conditions and for terms as set forth in State law.

In addition, a charter school that satisfied the requirements set forth in State law for designation as a high-performing charter school may receive a modification of its term to fifteen (15) years or a fifteen year (15-year) charter renewal. The charter may be modified or renewed for a shorter term at the option of the high-performing charter school.

The Board shall enter into a charter with a charter operator with the focus on three (3) areas of charter school operations: academic accountability, fiscal management, and governance. The Board, as the sponsor, shall perform the duties provided in F.S. 1002.33.

Student academic achievement for all students is the most important factor when determining whether to renew or terminate a charter. Additionally, the Board has the right to non-renew or terminate any charter **only** if the Board **expressly** finds that one (1) of the following grounds exists by clear and convincing evidence:

- A. fails to participate in the State's education accountability system created in F.S. 1008.31, or fails to meet the requirement for student performance as specified in the charter;
- B. fails to meet generally accepted standards of fiscal management **due to deteriorating financial conditions or financial emergencies determined pursuant to F.S. 1002;**
- C. materially violates the law;
- D. **materially breaches the charter, as described in State law;**
- E. immediate and serious danger to the health, safety, or welfare of the charter school's students; and/or
- F. **for other good cause shown.**

Application Procedure

Potential applicants should send letters notifying the sponsor of their intent to submit an application to open a public charter school no later than July 1st. Such correspondence should be directed to the Department of District Support. Failing to send the letter of intent will in no way negatively impact the application.

Final Charter School Application

Final applications for a public charter school that are to be opened at the beginning of the sponsor's next school year, or to be opened at a time agreed to by the applicant and the sponsor, will be accepted no later than the close of business, on the submission deadline of February 1st, or before. If the submission deadline falls on a non-business day, the deadline shall be postponed to the same time on the next business day. Applications may be mailed or hand delivered but receipt by the sponsor must be on or before the deadline. Beginning in 2018 and thereafter, the District shall receive and consider applications received on or before the close of business on February 1st of each calendar year for charter schools to be opened eighteen (18) months later at the beginning of the District's school year, or to be opened at a time determined by the applicant. The District will not accept applications received later than February 1st.

The District shall receive and consider charter school applications for charter schools to be opened at a time determined by the applicant. In addition, the Florida Charter School Review Commission, as

authorized under F.S. 1002.3301, may solicit and review applications for charter schools to be located in this District. Within three (3) calendar days after an applicant submits an application for a charter school to the Commission for a charter school to be located in this District, the applicant must also provide a copy of the application to the District by submitting it to the Charter School Department electronically and by paper copies.

Within thirty (30) calendar days after receiving a copy of the application, the District may provide input to the Commission on a form prescribed by the Florida Department of Education (FLDOE). If the Commission approves the application, the Board shall enter into a charter contract with the approved charter school applicant and serve as the charter school's sponsor in accordance with state law, rules, this policy, and District procedures.

The following pertains to the submission of a final application:

- A. An individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this State anticipating submission of an application are urged to contact the Director of District Support for assistance prior to completion of an application.
- B. Charter school applicants must participate in training provided by the **Florida Department of Education (FLDOE)** after approval of an application but at least thirty (30) calendar days before the first day of classes at the charter school, unless they have participated in qualified training provided by the District.
- C. The Board and/or any of its designees shall not take unlawful reprisal against another Board employee because that employee is either directly or indirectly involved with a charter school application.
- D. Applicants must submit an application on the FLDOE's Model Florida Charter School Application template and forms according to the District's requirements.
- E. The sponsor shall not charge any fees for processing or consideration of a final charter school application. The Board's approval of a charter shall not be predicated on the promise of any future pay of any kind.
- F. The applicant and sponsor may mutually agree, in writing, to extend the statutory timeline to consider the charter application. Such agreement shall detail the extension date or timeframe.

Applications shall be submitted to:

The School Board of Manatee County
2501 63rd Street Avenue East
Bradenton, Florida 34203

The sponsor shall review all applications using an evaluation instrument developed by the FLDOE.

Application Contents

A. State Application Form

Applications must be submitted using the Model Charter School Application form developed and distributed by the FLDOE.

B. Statement of Assurances

Applicants are required to sign under the penalties of perjury the Statement of Assurances form contained within the Model Charter School Application developed and distributed by the FLDOE.

Final Application Evaluation Process

- A. The sponsor shall receive and review all final applications using the Florida Charter School Application Evaluation Instrument developed by the FLDOE.

- B. The sponsor shall evaluate all timely applications as submitted. During the evaluation process, 1) applications cannot be amended and 2) missing documentation and unsolicited information will not be accepted or considered. However, as required by law, the sponsor shall allow the applicant, upon receipt of written notification, seven (7) calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to corrections of grammatical, typographical, and like errors or to add missing signatures, if such errors are identified as cause to deny the final application.
- C. The Board shall deny any final application that does not comply with the statutory requirements and/or the Board's instructions for charter school applications.
- D. The Board will review only one (1) final application as per Florida statute. The Board shall not review multiple "final" applications during an application cycle.
- E. Additional Information
 - 1. The sponsor may solicit information regarding 1) history and background of individual applicants and/or founding/governing boards and its individual members including, but not limited to, a demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform professional services; and 2) the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that the financial resources are properly managed must be included. This information may be used to evaluate the applicant's ability to operate a charter school.
 - 2. The sponsor may solicit additional information during the review and evaluation of the charter school application such as whether the applicant currently operates charter schools in Florida and if the proposed school will be a replication of an existing school design. This information may be used to evaluate the applicant's ability to operate a charter school.
 - 3. The applicant may provide evidence of prior experience in establishing and operating public charter schools. Evidence of prior experience and success in establishing and operating charter schools shall be weighed in making a determination to recommend approval or denial of an application.
- F. If an application is approved by the Board, the applicant is required to revise any sections of the application that do not meet the standard(s) identified in the evaluation. Any revisions must be approved by the sponsor prior to Board approval of the contract.
- G. Charter Review Team

The purpose of this team is to evaluate the quality of the written application, the capacity of the group to properly implement the proposed plan, and make a recommendation to the Superintendent for the approval or denial of each application.

The Charter Review Team shall be comprised of members of the Superintendent's Senior Leadership Team or their appropriate designees and other administrators from the following areas of expertise:

- 1. District Operational Services;
- 2. District Instructional Services;
- 3. District Support;
- 4. Curriculum and Instruction;
- 5. Facilities;
- 6. Financial Operations;

7. Human Resources;
8. Exceptional Student Education;
9. Federal Programs and Grants;
10. Transportation;
11. Food Service;
12. other appropriate departments.

By majority vote, the Charter Review Team shall make a recommendation to the Superintendent to approve or deny each application.

All applications will be submitted to the Board by the Superintendent with a recommendation for approval or denial no later than ninety (90) calendar days after the application is received, unless the applicant and the sponsor mutually agree, in writing, to postpone the vote to a specific date, at which time the Board shall approve or deny the application.

If an application is denied, the sponsor shall, within ten (10) calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting the denial of the charter application and shall provide the letter of denial and supporting documentation to the applicant and to the FLDOE.

An application submitted by a high-performing charter school that has satisfied the requirements set forth in State law for such designation may be denied by the Board only if the sponsor demonstrates by clear and convincing evidence that the application failed to meet one (1) or more of the criteria set forth in F.S. 1002.33(6)(b)(3)(b):

1. The application of a high-performing charter school does not materially comply with the requirements set forth in F.S. 1002.33(3)(a) or, for a high-performing charter school system, the application does not materially comply with F.S. 1002.332(2)(b).
2. The charter school proposed in the application does not materially comply with the requirements in F.S. 1002.33(9).
3. The proposed charter school's educational program does not substantially replicate that of the applicant's high-performing charter school.
4. The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process.
5. The proposed charter school's educational program and financial management practices do not materially comply with the requirements of F.S. 1002.33.

If the Board denies an application submitted by a high-performing charter school, the specific reasons, based upon the criteria set forth in F.S. 1002.33(3)(b), for the denial shall be provided in writing to the applicant and the FLDOE within ten (10) calendar days after such denial.

Appeal of a Decision to Deny a Final Application

Pursuant to State law, an applicant may, no later than thirty (30) calendar days after receiving the Board's final order denying a final application or upon the Board's failure to act on a final application, appeal the Board's decision to the State Board of Education. The applicant shall notify the sponsor of the appeal.

Such appeals shall be conducted in accordance with F.S. 1002.33(6) and applicable State Board rules.

In accordance with State Board rule, the State Board of Education shall by majority vote accept or reject the decision of the Board no later than ninety (90) calendar days after the appeal is filed. The State Board of Education shall remand the application to the Board with its written decision that the Board approve or deny

the application. The Board shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act.

If the Board denies an application submitted by a high-performing charter school, or high-performing charter school system, the sponsor shall, within ten (10) calendar days after such denial, state in writing the specific reasons, based upon the criteria of F.S. 1002.33 supporting its denial of the final application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the Board's denial of the final application directly to the State Board of Education pursuant to F.S. 1002.33. If a high-performing charter school or a high-performing charter school system appeals the denial of an application, the State Board of Education shall determine whether the sponsor's denial was in accordance with F.S. 1002.33(b)3.b.

The sponsor shall act upon the decision of the State Board of Education within thirty (30) calendar days after it is received. The State Board of Education's decision is a final action subject to judicial review in the district court of appeal. A prevailing party may file an action with the Division of Administrative Hearings to recover reasonable attorney fees and costs incurred during the denial of the application and any appeals.

Appeal of a Proposed Termination or Nonrenewal of a Charter

Before a vote on any proposed action to renew, terminate, other than an immediate termination under F.S. 1002.33(8)(c), or to not renew the charter and at least ninety (90) days before the end of the local year renewing, nonrenewing, or terminating a charter, the sponsor shall notify the charter school's governing board in writing of its proposed action to renew, terminate, or not renew the charter. A charter automatically renews with the same terms and conditions if notification does not occur at least ninety (90) days before the end of the school year. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the charter school's governing board may, within fourteen (14) calendar days after receiving the notice, request a hearing. The hearing shall be conducted by an administrative law judge assigned by the Florida Division of Administrative Hearings. The hearing shall be conducted within ninety (90) days after receipt of the request for a hearing and in accordance with F.S. Chapter 120. The administrative law judge's final order shall be submitted to the Board. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the administrative proceeding and any appeals.

The charter school's governing board may, within thirty (30) calendar days after receiving the final order, appeal the decision pursuant to F.S. 120.68.

A charter may be terminated immediately if the Board sets forth in writing the particular facts and circumstances demonstrating indicating that an immediate and serious danger to the health, safety, or welfare of the charter school's students exists, that the immediate and serious danger is likely to continue, and that an immediate termination of the charter is necessary. The Board's determination is subject to the procedures set forth in F.S. 1002.33(8)(b) and (c), except that the hearing may take place after the charter has been terminated. The sponsor shall notify in writing the charter school's governing board, the charter school principal, and FLDOE of the facts and circumstances supporting the immediate termination if a charter is terminated immediately. The sponsor shall clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination, if applicable when appropriate. Upon receiving written notice from the board, the charter school's governing board has ten (10) calendar days to request a hearing. A requested hearing must be expedited and the final order must be issued within sixty (60) days after the date of request. The sponsor shall assume operation of the charter school throughout the pendency of the hearing unless the continued operation of the charter school would materially threaten the health, safety, or welfare of the students. The administrative law judge shall award reasonable attorney fees and costs to the prevailing party of any injunction, administrative proceeding, or appeal. The sponsor may seek an injunction in the circuit court in which the charter school is located to enjoin continued operation of the charter school if continued operation would materially threaten the health, safety, or welfare of the students.

Charter School Obligations Upon Initial Notification of Nonrenewal, Closure, or Termination of a Charter

Upon initial notification of nonrenewal, closure, or termination of its charter, a charter school may not expend more than \$10,000 per expenditure without prior written approval from the sponsor unless such expenditure was included within the annual budget submitted to the sponsor pursuant to the charter contract, is for reasonable attorney fees and costs during the pendency of any appeal, or is for reasonable fees and costs to conduct an independent audit.

An independent audit shall be completed within thirty (30) days after notice of nonrenewal, closure, or termination to account for all public funds and assets.

A provision in a charter contract that contains an acceleration clause requiring the expenditure of funds based upon closure or upon notification of nonrenewal or termination is void and unenforceable.

A charter school may not enter into a contract with an employee that exceeds the term of the school's charter contract with the sponsor.

A violation of this section triggers a reversion or clawback power by the sponsor allowing for collection of an amount equal to or less than the accelerated amount that exceeds normal expenditures. The reversion or clawback plus legal fees and costs shall be levied against the person or entity receiving the accelerated amount.

Charter Contract and Contract Negotiation Process

A standard charter contract shall be consistent with this policy and approved by the Charter Review Team to be used as the basis for all charters approved under this policy. All contracts and contract amendments, as approved by the Charter Review Team, must be presented to the Board for approval. The charter contract must contain all information set forth in the Florida Standard Charter Contract or the Florida Standard Charter Renewal contract (F.A.C. 6A-6.0786 Form) as prescribed by the FLDOE.

A. Initial Charter Contract

1. Initial contract shall be for a term of four (4) or five (5) years unless a longer term is specifically required by law.
2. Before a recommendation regarding whether or not the Board should approve an initial contract, evidence of the following shall be provided:
 - a. Evidence of a proper legal structure (e.g., articles of incorporation, bylaws, municipal charter). The applicant shall be a not for profit organized pursuant to F.S. Chapter 617.
 - b. Except for virtual charter schools, actual locations and evidence that a facility has been secured for the term of the charter, or a deadline for submitting evidence that a facility has been secured. Evidence should include, but is not limited to:
 1. letter of intent from the landlord or mortgagee indicating property usage and term of occupancy;
 2. executed lease or certification of occupancy; and/or
 3. use or occupational license indicating proper use.

All facilities must meet the requirements set forth in F.S. 1002.33 and comply with all Florida building codes.

B. Charter Contract Negotiations

The sponsor shall have thirty (30) days after approval of an application to provide an initial proposed charter contract to the charter school. The applicant and the sponsor shall have forty (40) days thereafter to negotiate and notice the charter contract for final approval by the Board unless both parties agree to an extension. The proposed charter contract shall be provided to the charter school at least seven (7) calendar days prior to the date of the meeting at which the charter is scheduled to be voted upon by the Board. The FLDOE shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except disputes regarding charter school application denials. **If either the charter school or the sponsor indicates in writing that the party does not desire to settle any dispute arising under this section through mediation procedures offered by the Department of Education, a charter school may immediately appeal any formal or informal decision by the sponsor to an administrative law judge appointed by the Division of Administrative Hearings.** If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may **also** be appealed to an administrative law judge appointed by the Florida Division of Administrative Hearings. The administrative law judge has final order authority to rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or on any other matter regarding this section except a charter school application denial, a charter termination, or a charter nonrenewal and shall award the prevailing party reasonable attorney's fees and costs

incurred during the mediation process, administrative proceeding, and any appeals to be paid by the losing party.

C. Request to Extend Negotiations/School Opening

1. The applicant and sponsor may mutually agree to extend the statutory timeline to negotiate and consider approval of the charter contract for a period not to exceed one (1) year from the approved opening date in the charter school application. Requests shall be submitted, in writing, to the District Support Department by an authorized agent of the charter school, detailing the reason for the requested extension.
2. In the event that the statutory timeline to negotiate and enter into a charter contract is extended, the applicant shall update its charter school application prior to resuming negotiations with regard to: (1) updated budget; and (2) applicable application revisions necessitated by the delay.
3. The application shall be automatically rescinded, without further action by the Board, if the applicant does not enter into contract negotiations or open the school within: (1) the timeframe specified by law, or (2) the date of extension which has been mutually agreed upon in writing by both parties.
4. Unless extended pursuant to this policy, an approved applicant shall open its charter school eighteen (18) months later at the beginning of the District's school year following the approval of the charter school application. At the written request of the applicant and at the sponsor's sole discretion, the sponsor may allow an applicant with an approved charter school application to defer the opening of its charter school for up to three (3) school years following the opening date specified in the approved charter school application. In the event that the opening of the approved applicant's charter school is deferred, the applicant shall update its charter school application prior to the opening of the charter school with regard to: (1) updated budget; and (2) applicable application revisions.
5. An approved contract shall be automatically revoked, without further action by the Board, if the applicant does not open the school:
 - a. on the first day of school of the initial school year indicated in the contract; or
 - b. on the first day of the school year indicated in the approved deferral.

D. Charter Contract Amendments/Modifications

1. A charter may be modified during its **initial term or any renewal** term upon the recommendation of the sponsor or the charter school's governing board and the approval of both parties to the agreement. **Changes to the curriculum which are consistent with State standards shall be deemed approved unless the sponsor and the Department of Education determine in writing that the curriculum is inconsistent with State standards.** All modifications must be mutual and in writing. Unilateral modifications made by the charter school may be the grounds for termination or non-renewal. Modification during any term may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board, regardless of the renewal cycle. A charter school that is not subject to a school improvement plan and that closes as part of a consolidation shall be reported by the District as a consolidation. **A request for consolidation of multiple charters must be approved or denied within sixty (60) days after the submission of the request. If the request is denied, the Board shall notify the charter school's governing board of the denial and provide the specific reasons, in reasonable detail, for the denial of the request for consolidation within ten (10) days.**
2. Modifications may be considered by the sponsor for a number of reasons, which may include, but is not limited to, protect the health, safety, or welfare of the students.
3. All contract amendment requests shall be submitted in writing to the District Support Department by an authorized agent of the charter school. Additional information or documentation may be requested for consideration of any amendment requests.
4. The charter school shall provide evidence of governing board approval for all proposed amendments (e.g., governing board resolution, governing board meeting minutes).
5. Requirements for Amendment Requests

a. Education Program Amendments

Significant changes in the curriculum or changes in grade levels constitute a change in the educational program and shall require an amendment that is mutually acceptable and approved by both parties. Requests for such amendments shall include the following information and supporting documentation:

1. justification for change
2. effective date of the change
3. evidence that financial implications, feasibility, and student access issues have been addressed, including provisions for all required resources, staff, and materials
4. evidence of parental support

A high-performing charter school that has met the requirements set forth in State law for such designation shall notify the sponsor of any increase in enrollment by March 1st of the school year preceding the increase. The written notice shall specify the grade levels that will be added. Student enrollment may not exceed the capacity of the facility at the time the enrollment increase will take effect. Facility capacity for purposes of ~~grade level~~ expansion shall include any improvements to an existing facility in which ~~a majority of~~ the students of the high-performing charter school will enroll. If a high-performing charter school notifies the sponsor of its intent to expand, the sponsor shall modify the charter within ninety (90) days to include the new enrollment maximum and may not make any other changes. The sponsor may deny a request to increase the enrollment of a high-performing charter school if the Commissioner of Education has declassified the charter school as high-performing.

b. Location Amendments

1. Changes in locations or addition of location (i.e., relocation, secondary campus, satellite locations) shall include the following information and supporting documentation:
 - a. description of location, including identification as permanent or temporary

If the relocation will be temporary, the request shall include the period of time during which the school will be at the temporary location.
 - b. effective date of the relocation
 - c. evidence that financial implications, feasibility, and student access issues have been addressed
 - d. evidence of parental support for the new facility
 - e. evidence of the school's property interest in the facility (owner or lessee)
 - f. a disclosure affidavit in accordance with F.S. 286.23, if the school leases the facility
2. Nothing in this policy or State law obligates the sponsor to agree to an increase in the number of facilities, campuses, and/or locations associated with a charter school's operations.
3. The charter school shall not change or add facilities or locations at any time during the term of the charter contract without prior approval of the Board through the contract amendment process. Violation of this provision constitutes a unilateral amendment or modification of this contract and good cause for termination.
4. If the request for a location amendment involves a facility in which other schools are operating, the names of the school(s), the grade levels, number of classrooms, number of students in each class, and the number of students enrolled in each school shall be included in the request, in addition to the information and documentation described in paragraphs a

and b above.

5. No later than thirty (30) days prior to the opening of schools or the initial use of the facility by the school, the school shall have an approved contract and evidence of all necessary permits, licenses, zoning, use approval, facility certification and other approvals required for use of the facility by the local government. A certificate of occupancy or a temporary certificate of occupancy must be provided to the sponsor no later than fifteen (15) calendar days before the first day of school.

c. Enrollment Capacity Amendments

Changes to enrollment capacity shall include the following information and supporting documentation:

1. justification for change
2. effective date of the change
3. evidence of proper facility approvals and/or allowable facility capacity
4. evidence that financial implications, feasibility, and student access issues have been addressed
5. evidence of parental support

A high-performing charter school that has met the requirements set forth in State law for such designation shall be required to notify the sponsor in writing by March 1st of its intent to increase enrollment the following school year. The written notice shall specify the amount of the enrollment increase. The sponsor shall not require a charter school to identify the names of students to be enrolled or to enroll those students before the start of the school year as a condition of approval or renewal of a charter.

6. When a contract is amended or renewed, it shall be updated to comply with this policy and the current standard charter contract or standard virtual charter contract.

Pre-Opening Requirements

No later than thirty (30) days prior to the initial use of the facility by the school, the school shall have an approved contract and provide evidence of all necessary permits, licensing, zoning, use approval, facility certification and other approvals required for use of the facility by the local government. Failure to comply may result in automatic rescission of the contract, with no further action by the Board. A certificate of occupancy or a temporary certificate of occupancy must be provided to the sponsor no later than fifteen (15) calendar days before the first day of school.

School Governance/Management

- A. Charter schools shall organize or be operated by a not for profit organized pursuant to F.S. Chapter 617, a municipality, or another public entity, as provided by law.

B. Charter School's Governing Board Requirements

1. The charter school's governing board shall be solely responsible for the operation of the charter school which includes, but is not limited to, school operational policies; academic accountability; and financial accountability.

As required by State law, each charter school's governing board must appoint a representative to facilitate parental involvement, provide access to information, assist parents, and others with questions and concerns, and resolve disputes. Furthermore, this representative must reside in the District in which the charter school is located. The individual serving as the parental involvement representative may be a governing board member, charter school employee, or an individual with whom the charter school contracts to represent the board in this capacity. If the governing board oversees more than one charter school in the District, a representative to facilitate parental involvement shall be appointed for each school. The name and contact information for the representative must be provided in writing to parents of children enrolled in the

charter school at least annually and must also be prominently posted on the charter school's website.

The charter school's governing board will consist of at least three (3) voting members, or the number and composition based on the approved charter application. At least one (1) of the voting members will be elected by the parents in an open parent meeting at the school. There will be at least one (1) non-voting teacher representative to the governing board who shall be elected by the teachers at the beginning of each school year.

The charter school's governing board shall meet at least twice per year (F.S. 1002.33(9)(p)(3)). The meetings must be noticed pursuant and compliant with Florida Sunshine Law, open, and accessible to the public and attendees must be provided an opportunity to receive information and provide input regarding the charter school's operations. To the extent feasible, the school's governing board shall consist of members that reflect the diversity of the student population served.

2. Governing board members must:
 - a. notify the sponsor of changes in membership in writing within five (5) business days of the change; and
 - b. successfully fulfill a level 2 background check by the sponsor, as specified by law upon appointment to the governing board. The background check includes fingerprinting.

Costs of background screening shall be borne by the charter school or the charter school employee.

3. Governing board members must develop and approve by-laws that govern the operations of the board and the charter school prior to execution of the charter contract and annually consult with charter school staff to refine overall policy decision-making of the charter school regarding curriculum, financial management, and internal controls.
4. Governing board members and their spouses are prohibited by State law from serving as an employee of the charter school or receive compensation, directly or indirectly, from the charter school's operations, including but not limited to: grant funds; lease/mortgage payments; or contracted service fees.
5. Governing board members must participate in FLDOE sponsored charter school governance training to ensure that each board member is aware of his/her duties and responsibilities, pursuant to State Board Rule F.A.C. 6A-6.0784:
 - a. Each governing board member must complete a minimum of four (4) hours of instruction focusing on Government in the Sunshine, conflicts of interest, ethics, and financial responsibility as specified in F.S. 1002.33(9)(k). After the initial four (4) hour training, each member is required, within the subsequent three (3) years and for each three (3) year period after that to complete a two (2) hour refresher training on the four (4) topics above in order to retain his/her position on the charter school board. Any member who fails to obtain the two (2) hour refresher training within any three (3) year period must take the four (4) hours of instruction again in order to remain eligible as a charter school board member.
 - b. New members joining a charter school board must complete the four (4) hour training with ninety (90) days of appointment to the board.

6. Dispute Procedures (Board versus Charter School Governing Board)

Application, nonrenewal, and termination decisions are not subject to this dispute resolution process and must follow the procedures in F.S. 1002.33, Board policy, and the charter contract. Nothing contained herein shall operate to limit a charter school's rights to utilize the dispute resolution procedures set forth in F.S. 1002.33.

- a. The sponsor and the charter school agree that the existence and the details of a dispute notwithstanding, both parties shall continue without delay their performance under the charter contract, except for any performance, which may be directly affected by such dispute.
- b. Either party shall notify the other party that a dispute exists between them. The notification shall be in writing and shall identify the article and section of the contract that is in dispute and the grounds for the position that such article and section is in dispute. The matter shall be immediately submitted to the sponsor and the charter school's director for further consideration and discussion

to attempt to resolve the dispute.

- c. Should the representatives named in paragraph b above be unable to resolve the dispute within ten (10) days of receipt of written notification by one to the other of the existence of such dispute, then the matter may be submitted by either party to the Superintendent and to the school's governing board chair for further consideration and discussion to attempt to resolve the dispute.
 - d. Should the parties still be unable to resolve their dispute within thirty (30) days of the date of receipt of written notification by one to the other of the existence of such dispute, then either party may proceed with utilizing the dispute resolution procedures set forth in F.S. 1002.33.
7. Conflict Resolution (Charter School versus Parents/Legal Guardians, Employees, and Vendors)
- a. All conflicts between the charter school and the parents/legal guardians of the students enrolled at the charter school shall be handled by the charter school or its governing board. The procedures for handling such conflicts must be set forth in the charter school contract.
 - b. Evidence of each parent's acknowledgment of the charter school's Parent Conflict Resolution Process shall be available for review upon request by the Board.
 - c. All conflicts between the charter school and the employees of the charter school shall be handled by the charter school or its governing board.
 - d. All conflicts between the charter school and vendors of the charter school shall be handled by the charter school or its governing board.
 - e. The Board shall be provided with the name and contact information of the parties involved in the charter school's conflict resolution process. The Board shall be notified immediately of any change in the contact information.

C. Management Companies

1. If a management company or a combination of contracted professionals will be managing the charter school, the contract(s) between the charter school and company(ies) shall be submitted to the sponsor for review prior to the approval of the charter school's contract. If a decision to hire any of these entities occurs subsequent to the execution of the charter contract or amendment, the contract(s) between the charter school and company(ies) shall be submitted to the sponsor at least ten (10) days before any payment is made to any of the entities.
2. Any proposed amendments to the contract with the management company shall be submitted to the sponsor for approval prior to execution of that amended contract with the management company by the charter school. A copy of all executed contracts must be provided to the sponsor within the timeframe provided by the charter contract.
3. All management company contracts with the charter school must make it clear that the charter governing body shall retain and exercise continuing oversight over all charter school operations and must contain provisions specifying the ability for the charter school to terminate the contract and must comply with terms as stated in the charter contract between the charter school and the Board. Any default or breach of the terms of the charter contract by the management company(ies) shall constitute a default or breach of the charter contract by the charter school.
4. Neither employees of the management company nor "relatives" of the management company's employees as defined in F.S. 1002.33 shall serve on the charter school's governing board or serve as officers of the charter school.

Employees of Charter Schools

A charter school shall employ or contract with employees who have undergone background screening as provided in F.S. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that provided in F.S. 1012.32 upon appointment to the governing board.

A charter school shall disqualify instructional personnel and school administrators, as defined in F.S. 1012.01, from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment under F.S. 1012.315.

Charter school personnel may not appoint, employ, promote, or advance any relative, or advocate for appointment, employment, promotion, or advancement of any relative to a position in the charter school in which the personnel are serving or over which the personnel exercises jurisdiction or control. An individual may not be appointed, employed, promoted, or advanced in or to a position in a charter school if such appointment, employment, promotion, or advancement has been advocated by charter school personnel who serve in or exercise jurisdiction or control over the charter school and who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by the governing board of which a relative of the individual is a member. For purposes of this policy, the definition of relative shall be as it is defined in F.S. 1002.33(24)(a)(2).

Full disclosure of the identity of all relatives employed by the charter school shall be in accordance with F.S. 1002.33.

The governing board of a charter school shall adopt policies establishing standards of ethical conduct for instructional personnel and school administrators.

The policies must require all instructional personnel and school administrators, as defined in F.S. 1012.01, to complete training on the standards of ethical conduct; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under F.S. 39.203 and 768.095. A charter school, or any of its employees, may 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 or school administrators with employment references or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

Before employing instructional personnel or school administrators in any position that requires direct contact with students, a charter school shall conduct employment history checks of each of the personnel's or administrators' previous employer(s), screen the instructional personnel or school administrators through use of the educator screening tools described in F.S. 1001.10(5), and document the findings. If unable to contact a previous employer, the charter school must document efforts to contact the employer.

The Board shall terminate a sponsor's charter if the sponsor knowingly fails to comply with F.S. 1002.33(12)(g).

School Operations

- A. The sponsor ~~may shall~~ not impose any policies or practices to limit charter school enrollment except as may be permitted in accordance with State law. **The Board may not impose additional reporting requirements on a charter school as long as the charter school has not been identified as having a deteriorating financial condition or financial emergency under F.S. 1002.345.**
- B. The sponsor may document, in writing, any discrepancies or deficiencies--whether fiscal, educational, or related to school climate--and the steps and timelines for correction and additional monitoring. At a minimum, copies will be provided to the charter school's governing board chair, charter school principal and appropriate sponsor staff.
- C. The charter school shall obtain the appropriate facility capacity approvals from the jurisdictional authority where the facility is located (i.e., county, municipality, or both). The sponsor, at its discretion, may accept a letter from the architect of record specifying the capacity if the capacity is not provided by the facility's jurisdictional authority. The sponsor may withhold monthly payments for FTE that exceed capacity specified by the charter contract or approved facility capacity.
- D. The charter school's calendar will be consistent with the beginning of the sponsor's calendar for the first school year **or at a time determined by the charter school governing board. The charter school and** must provide instruction for **at least the** ~~the minimum~~ number of days and minutes required by law for other public schools **and may provide instruction for additional days.** Should the charter school elect to provide a summer program, **additional school days**, or year-round school, the charter school shall notify the sponsor, in writing, each year to ensure appropriate record keeping.
- E. Student Code of Conduct, Student Handbooks, Parent Contracts, and Application of Board Policies
 1. Only the Board may expel a student.

2. The charter school may follow the Board's Student Code of Conduct or an alternate code of conduct approved by the sponsor. The charter school shall provide the sponsor with a copy of an approved alternate student code of conduct annually if the school is not following the sponsor's Student Code of Conduct. Any amendments must be approved by the Board prior to implementation. Evidence of governing board approval is required for amendments.
3. Any student/parent handbooks and parent contracts shall also be submitted to the sponsor for approval prior to implementation. Any amendments must be approved by the sponsor, prior to implementation. Evidence of governing board approval is required for amendments.
4. The charter school may be required to provide proof of parent/guardian's receipt of student code of conduct, handbook, or parent contract.
5. Violations of parent contracts shall not result in involuntary withdrawal of a student in the same school year of the violations. Violations of the parent contract may result in the student not being re-enrolled or loss of enrollment preference for the following school year.
6. The Board shall not apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school. If the Board subsequently amends any agreed-upon Board policy, the version of the policy in effect at the time of the execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon by the charter school.

F. Charter School Student Transfers

The process for student transfers will follow Board policies and procedures.

G. Food Service and Transportation

Transportation and food services are the responsibility of the charter school. These services must be provided according to District, State, and Federal laws, rules, and regulations.

H. Facility Leases

1. If a charter school will be leasing or subleasing a facility, the contract(s) between the charter school and landlord or sub-lessor shall be submitted to the sponsor for review and approval.
2. Any amendments to the lease shall be submitted to the sponsor for review prior to execution, by the charter school.
3. A copy of all executed contracts must be provided to the sponsor within the timeframe provided by the charter contract.
4. Any default or breach of the terms of the charter contract by the lessor/sub-lessor may constitute a default or breach of the charter contract by the charter school.

I. Academic Accountability

1. The Superintendent or designee shall have ongoing responsibility for monitoring all approved charter schools with regard to the charter school's progress towards achieving the goals established in the charter. The Superintendent or his/her designee(s) shall have access to the charter schools at all times.
2. The sponsor shall monitor adherence to the educational and related programs as specified in the approved application, charter, curriculum, instructional methods, any distinctive instructional techniques to be used, reading programs and specialized instruction for students who are reading below grade level, compliance with State standards, assessment accountability, and achievement of long- and short-term goals. An analysis comparing the charter school's standardized test scores to those of similar student populations attending other public schools in the District will also be conducted.
 - a. In the event a charter school earns a grade of "D" or "F" in the grading system set forth in State law, the director and a representative of the governing board of the charter school shall appear before the sponsor to present information concerning each contract component having noted deficiencies and shall prepare and submit to the sponsor for approval a proposed School Improvement Plan to

raise student achievement. The proposed School Improvement Plan must meet the requirements set forth in State law. The charter school shall implement the proposed School Improvement Plan once approved by the sponsor.

- b. If a charter school earns three (3) consecutive grades of "D", two (2) consecutive grades of below a "C", the charter school governing board shall take corrective action as set forth in F.S. 1002.33. The corrective action must be implemented in the school year following receipt of a third consecutive grade of below a "C". If the charter school does not improve by at least one (1) letter grade after two (2) full school years of implementing the corrective action, the charter school must select and implement a different corrective action in accordance with F.S. 1002.33. If the charter school does improve to a "C", it is no longer required to implement the corrective action; however, the charter school must continue to implement strategies identified in the School Improvement Plan.
- c. Upon publication by the FLDOE of the list of charter schools that meet the criteria set forth in paragraphs 1.2.a. and b. above, the sponsor shall notify, in writing, each charter school in the District that appears on the list that it is required to submit a School Improvement Plan and to appear before the sponsor. Pursuant to State Board rule, such notification may be delivered electronically, provided there is proof of receipt.

The notification shall include the following:

- 1. The date, time, and location of the publicly noticed meeting at which the director and a representative of the charter school governing board shall appear before the sponsor. For purposes of this requirement, "director" shall mean charter school director, principal, chief executive officer, or other management personnel with similar authority. The appearance shall be no earlier than thirty (30) calendar days and no later than ninety (90) calendar days after the sponsor's notification is received by the charter school.
 - 2. The date by which the charter school must submit its proposed School Improvement Plan to the sponsor for review by staff, which shall be no earlier than thirty (30) calendar after notification.
 - 3. Whether the charter school is required to select a corrective action.
- d. The sponsor shall notify the charter school, in writing, within ten (10) calendar days of its decision to approve or deny the School Improvement Plan.
 - 1. The sponsor may deny a School Improvement Plan if it does not meet the requirements of State law. If denied, the sponsor shall provide the charter school, in writing, the specific reasons for denial and the timeline for its resubmission.
 - 2. Either the charter school or the sponsor may request mediation pursuant to State law if the parties cannot agree on a School Improvement Plan. Mediation will be before the American Arbitration Association or any other mutually agreed arbitrator. Each party will bear their own costs and expenses.
 - e. As required by State law, the sponsor will review the School Improvement Plan annually to monitor the charter school's continued improvement.
 - 1. The director and a representative of the governing board of the charter school shall appear before the sponsor at least once per year to present information regarding the progress of intervention and support strategies implemented by the charter school pursuant to the School Improvement Plan and, if applicable, to review the corrective actions taken pursuant to 1.2.c above.
 - 2. At the meeting, the sponsor will identify the services that the District will provide to the charter school to assist the charter school in addressing its deficiencies, and following the meeting, these services will be communicated, in writing, to the director.
 - 3. A charter school that improves at least one (1) letter grade is not required to submit a new School Improvement Plan but must continue to implement the strategies identified in the approved School Improvement Plan and continue to report annually to the

sponsor. The sponsor shall notify, in writing, each charter school implementing a School Improvement Plan of the requirement to appear before the sponsor to present information regarding the progress of the approved School Improvement Plan. The notification shall include the date, time, and location of the publicly noticed meeting at which the director and a representative of the charter school shall appear.

- f. The Board shall terminate the charter if the charter school earns two (2) consecutive grades of "F", unless one of the exceptions set forth in State law is applicable.
 - g. The laws applicable to School Improvement Plans and corrective actions do not limit the Board's authority to terminate the charter at any time in accordance with State law.
3. The charter school may make annual progress reports to the sponsor at the request of the Board.
4. Exceptional Student Education (ESE)
 - a. The sponsor is the Local Educational Agency (LEA) for all Board-approved charter schools and will serve ESE students in the same manner as students attending other public schools in the District. ESE students attending Board-approved charter schools shall be provided supplementary and related services on site at the charter school to the same extent to which the Board has a policy or practice of providing such services on site to its other public schools. The Board shall provide funds under Part B of the IDEIA to Board-approved charter schools on the same basis as the School District provides funds to the Board's other public schools.
 - b. ESE students will be educated in the least restrictive environment. The charter school shall ensure that ESE students are provided with programs and services implemented in accordance with Federal, State, and local policies and procedures and specifically the IDEIA, Section 504 of the Rehabilitation Act of 1973, and other related statutes and State Board of Education rules. If an IEP team determines that the charter school cannot meet the needs of an ESE student, the charter school and the sponsor agree to provide the ESE student with the appropriate placement as determined by the IEP team in accordance with State and Federal law.
 - c. The sponsor shall provide ESE administration services to charter schools which shall be set forth in more detail in the charter.
 - d. With respect to the provisions of special education and related services:
 1. The sponsor shall be responsible for conducting initial evaluations of students referred for potential special education and gifted placement in accordance with Federal and State statutes.
 2. The charter school shall deliver all educational and related services indicated on a student's IEP, Section 504 Plan, or EP. The sponsor may provide related services through a separate contract between the charter school and the Board. The charter school shall also be responsible for all reevaluations.
 3. The sponsor shall appoint an "ESE Staffing Specialist" who may, at the sponsor's discretion, attend all IEP meetings and meetings related to the provision of special education and related services to charter school students. The charter school must provide notice to the ESE Staffing Specialist of all such meetings. The ESE Staffing Specialist shall serve as the LEA representative at all meetings.
 4. The charter shall further set forth the specific roles and responsibilities of the charter school and the Board with respect to exceptional student education.
 - e. Non-compliance may result in the Board's withholding of subsequent payments to the charter school without penalty of interest (including State capital payments), and may result in non-renewal or termination for good cause.
5. English Language Learners (ELL) -- Students who are of limited proficiency in English will be served by ESOL certified personnel. The charter school shall demonstrate an understanding of State and Federal requirements regarding the education of English language learners, be committed to serving the full range of needs of ELL students, create and implement sound plans for educating ELL students that reflect the full range of programs and services required to provide all students with a high quality education, and

demonstrate capacity to meet the school's obligations under State and Federal law regarding the identification, assessment, and education of ELL students.

6. The Board may, in accordance with State law, require all charter schools to submit to the sponsor a school improvement plan to ensure a plan to maintain or raise student academic achievement within the timelines specified by the Board and the FLDOE.

J. Financial Accountability

1. In order to provide comparable financial information to that reported for other public schools, charter schools shall maintain all financial records in accordance with the accounts and codes prescribed in the most recent issuance of the publication titled, *Financial and Program Cost Accounting and Reporting for Florida Schools*. Charter school governing boards shall also annually adopt and maintain an operating budget as required by F.S. 1002.33(9)(h). Charter schools shall provide annual financial reports and program cost report information by the deadlines specified in the charter contract, in the State-required formats for inclusion in the Board's reporting in compliance with F.S. 1011.60(1) and 1002.33(9)(g). The financial statements are to be prepared in accordance with Generally Accepted Accounting Principles using governmental accounting, regardless of corporate structure F.S. 1002.33(9)(g). The annual financial audit must be in the State-required format by an independent CPA firm.

At the discretion of the charter school's governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to the requirement set forth in the paragraph above.

High-performing charter schools are required to submit financial statements in accordance with and within the timeframes stated in F.S. 1002.33.

2. Title I: A charter school that is eligible to receive Title I funds shall submit an approved Title I Schoolwide Plan within three (3) months of becoming a designated Title I school. Failure to submit an approved plan will result in withholding of Title I funds.
3. Financial Policies: The charter school shall establish and implement accounting and reporting policies, procedures, and practices for maintaining complete records of all receipts and expenditures. The charter school shall provide a copy of these policies to the sponsor annually.
4. Payments to charter schools by the Board
 - a. The Board shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special State and Federal funding for which they may be eligible. Payments of funds as described in F.S. 1002.33(17)(b). The payment shall be issued no later than ten (10) working days after the Board receives a distribution of State or Federal funds or the date the payment is due pursuant to F.S. 1002.33(17)(e). Timing of receipt of local funds by the Board shall not delay payment to the charter school of the funds identified in F.S. 1002.33(17). Payments will be made in accordance with existing charter school contracts that predate this policy, State statutes are controlling. **If the Board has not received its allocation due to its failure to submit an approved District salary distribution plan, the Board must still provide each charter school within the District that has submitted a salary distribution plan its proportiate share of the allocation.**
 - b. Capital Outlay Payments – The sponsor shall make payments to the school upon receipt of all required supporting documentation as referenced in section 8.h. – Capital Outlay Payment Process.
 - c. Miscellaneous Payments – The Board shall make timely miscellaneous payments to the charter school upon receipt of funding from FLDOE for various programs including Title I. The Board's payment is subject to the charter school's fulfillment of its responsibilities under the applicable State and Federal laws.

Unless otherwise mutually agreed to by the charter school and the sponsor, and consistent with State and Federal rules and regulations governing the use and disbursement of Federal funds, the sponsor shall reimburse the charter school on a monthly basis for all invoices submitted by the charter school for Federal funds available to the sponsor for the benefit of the charter school, the charter school's students, and the charter school's students as public school students in the District. Such Federal funds include, but are not limited to, Title I, Title II, and Individuals with Disabilities Education Act (IDEA) funds. To receive timely reimbursement for an invoice, the

charter school must submit the invoice to the sponsor at least thirty (30) days before the monthly date of reimbursement set by the sponsor. In order to be reimbursed, any expenditure made by the charter school must comply with all applicable State rules and Federal regulations, including, but not limited to, the applicable Federal Office of Management and Budget Circulars, the Federal Education Department General Administrative Regulations, and program-specific statutes, rules, and regulations. Such funds may not be made available to the charter school until a plan is submitted to the sponsor for approval of the use of the funds in accordance with applicable Federal requirements. The sponsor has thirty (30) days to review and approve any plan submitted pursuant to this paragraph.

- d. Conditions for Non-payment – The Board may withhold payment, without penalty of interest, for violation of law or as specified in the charter school contractual agreement. This includes, but is not limited to: failure to comply with financial requirements, failure to provide proper banking wiring instructions, exceeding contracted enrollment capacity or allowable facility capacity, insufficient instructional minutes and/or days, inappropriate facility licenses, approvals and/or permits, and failure to obtain successful background clearance for potential employees, contractors, and/or governing board members.
5. Financial Reports: Charter schools shall provide the sponsor with a concise, uniform, monthly financial statement pursuant to F.S. 1002.33(9)(g). A high-performing charter school may provide a quarterly financial statement in the same format and requirements as the uniform monthly financial statements. Charter schools shall maintain and provide financial accountability information as required in this section.
 6. Annual Financial Statements
 - a. Unaudited June 30th year-end financial statements shall be submitted to the Board within the timelines specified by the charter contract. These financial statements must be prepared in accordance with Generally Accepted Accounting Principles using governmental accounting.
 - b. Annual Financial Audit - The charter school agrees to submit to and pay for an annual financial audit, in compliance with Federal, State, and Board regulations, showing all revenue received, from all sources, and all expenditures for services rendered. The audit shall be conducted by an independent certified public accountant selected by the governing board of the charter school, and shall be delivered to the sponsor in compliance with the charter contract. If the charter school's audit reveals a deficit financial position, the auditors are required to notify the charter school's governing board, the Board and the Florida Department of Education in the manner defined in the charter contract. No later than May 1st of each year, the charter school must formally notify the sponsor of the name, address, and phone number of the auditor engaged to perform the year end audit.
 1. Selection Procedures -- Charter schools shall use auditor selection procedures when selecting an auditor to conduct the annual financial audit pursuant to the processes described in F.S. 218.39 and 218.391, which includes, but is not limited to: the establishment of an audit committee and request for proposal (RFP) for audit services, public advertisement of RFP, and development of evaluation and selection criteria.
 2. Requirements -- Pursuant to F.S. 218.391, the procurement of audit services shall be evidenced by a written contract embodying all provisions and conditions of the procurement of such services. An engagement letter signed and executed by both parties shall constitute a written contract. The written contract shall, at a minimum, include the following:
 - a. a provision specifying the services to be provided and fees or other compensation for such services
 - b. a provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract
 - c. a provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed
 - c. Failure to comply with the timely submission of all financial statements in the required format specified by the sponsor, shall constitute a material breach of the charter contract and may result in the Board's withholding of subsequent payments to the charter school without penalty of

interest, (including state capital payments), and may result in non-renewal or termination for good cause.

7. Capital Outlay Funding

Pursuant to F.S. 1013.62(4), the application for, approval of, and process for documenting expenditures from charter school capital outlay funds shall be in accordance with the procedures specified by the Commissioner of Education.

Before receiving capital outlay funds the charter school governing board must enter into a written agreement with the Board. Such agreement must provide for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the Board, as provided for in F.S. 1013.62(3), if the charter school terminates operations. Any funds recovered by the State shall be deposited in the General Revenue Fund.

As required by State law, the Board shall remit capital outlay funds to a charter school no later than February 1st of each year, as required by F.S. 1002.32(3)(e), based on the amount of funds received by the Board.

8. Review and Audit

a. The Board has the right at any time to review and audit all financial records of the charter school to ensure fiscal accountability and sound financial management pursuant to F.S. 1002.33. The charter school shall provide the sponsor with a copy of the management letter from any audits as well as any responses to the auditor's findings with a corrective plan that shall be prepared and submitted within thirty (30) days from the date of the management letter.

b. Deteriorating Financial Condition and Financial Emergencies (F.S. 1002.345)

1. Deteriorating Financial Condition – “Deteriorating financial condition” means a circumstance that significantly impairs the ability of a charter school or a charter technical career center to generate enough revenues to meet its expenditures without causing the occurrence of a condition described in F.S. 218.503(1).

a. A charter school shall be subject to an expedited review by the Board upon the occurrence of any of the conditions specified in F.S. 1002.345(1)(a)(1)-(4).

b. The Board shall notify the governing board and the Department of Education within seven (7) business days after one or more of the conditions set forth in F.S. 1002.345(1)(a)(1)-(4) are identified or occur.

c. The governing board and the Board shall develop a corrective action plan and file the plan with the Commissioner of Education within thirty (30) business days after notification is received as provided in paragraph 9(b)(1)(b) herein. If the governing board and the Board are unable to agree on a corrective action plan, the Commissioner of Education shall determine the components of the plan. The governing board shall implement such plan.

d. Failure to implement the corrective action plan within one (1) year shall result in additional action prescribed by the State Board of Education, including the appearance of the chair of the governing board before the State Board of Education.

2. Financial Emergency – If a financial audit conducted by a CPA in accordance with F.S. 218.39 reveals that one (1) or more of the conditions in F.S. 218.503(1) have occurred or will occur if action is not taken to assist the charter school, the auditor shall notify the governing board of the charter school, as appropriate, the Board, and the Commissioner of Education within seven (7) business days after the finding is made. If the charter school is found to be in a state of financial emergency pursuant to F.S. 218.503(4), the charter school shall file a financial recovery plan pursuant to F.S. 218.503 with the Board and the Commissioner of Education within thirty (30) days after being notified by the Commissioner of Education that a financial recovery plan is needed.

3. Annual progress of the corrective action plans and/or financial recovery plans shall be included in an annual progress report to the Board.
 4. The Board may require periodic appearances of governing board members and charter school representative.
- C. Finance and the District Support Department shall collaborate to review and monitor financial statements, corrective action plans, and financial recovery plan(s) submitted by the charter school(s). The sponsor shall report progress and when applicable, make recommendations. At least one (1) representative of the charter school shall be available to answer questions.

Inability to cure a deteriorating financial condition and/or status of financial emergency may result in termination of the charter school contract.

9. Grants

- a. If the Board is required to be the fiscal agent for a grant, the charter school shall comply with the Board's grant procedures as indicated in the charter contract. The sponsor will withhold indirect costs at the approved rate or if applicable, a reduced rate, unless indirect costs are not allowed in the grant.
- b. The sponsor shall receive written approval from the charter school to include the charter school in a District-wide grant. The appropriate pro-rata share of grants will be allocated to the charter school, as defined by the grant awarded.
- c. The charter school is required to maintain adequate records to support grant-funded programs for the minimum years prescribed by the law. The sponsor may review these records, upon reasonable notice.

10. Health, Safety, and Welfare of Staff and Students

Each charter school is required to have an emergency plan that covers weather emergencies, lockdowns, fire, etc.

Carefully planned and executed fire exit drills shall be conducted at the beginning of each semester, at times designated by the principal, following instruction of all classes regarding exits to be used in case of fire. At least one (1) fire exit drill shall be conducted every month school is in session. Any emergency evacuation drill (e.g., "crisis event"), completely performed, may be substituted for a required fire exit drill in a given month. All drills and all deficiencies affecting egress shall be documented in writing.

Inspections of all buildings including educational facilities, ancillary plants, and auxiliary facilities for casualty safety, and sanitation shall be conducted at least once during each fiscal year. Conditions that may affect environmental health and safety or impair operation of the plant will be reported, with recommendations for corrective action.

Each school cafeteria must post in a visible location and on the school website the school's semiannual sanitation certificate and a copy of its most recent sanitation inspection report.

Under the direction of the fire official appointed by the Board, fire-safety inspections of each educational and ancillary plant located on property owned or leased by the charter school's governing board, or other educational facilities operated by the charter school's governing board, shall be made no sooner than one (1) year after issuance of a certificate of occupancy and annually thereafter. Such inspections shall be made by persons properly certified by the Division of State Fire Marshal to conduct fire-safety inspections in public educational and ancillary plants.

A copy of the fire safety inspection report shall be submitted to the sponsor and the county, municipality, or independent special fire control district providing fire protection services to the school facility within ten (10) business days after the date of the inspection, in accordance with Florida statute.

Alternate schedules for delivery of reports may be agreed upon between the charter school's governing board, the Board, and the county, municipality, or independent special fire control district providing fire protection services to the site in cases in which delivery is impossible due to hurricanes or other natural disasters. Regardless, if immediate life-threatening deficiencies are noted in the report, the report shall be delivered to the Board and to the county, municipality, or independent special fire control district providing

fire protection services immediately.

K. Charter School Website

Each charter school shall maintain a website that enables the public to obtain information regarding the school; the school's academic performance; the names of the governing board members; the programs at the school; the name and contact information for the representative who facilitates parent involvement; any management companies, service providers, or education management corporations associated with the school; the school's annual budget and its annual independent fiscal audit; the school's grade pursuant to F.S. 1008.34; and, on a quarterly basis, the minutes of governing board meetings.

Board Annual Report Submission

The Board shall submit an annual report to the FLDOE in a web-based format to be determined by the FLDOE. The report shall include the:

- A. number of ~~final~~ applications received **during the school year and up to on or before** February 1st and each applicant's contact information;
- B. date each application was approved, denied, or withdrawn; and
- C. date each final contract was executed.

Each year, by November 1, Beginning August 31, 2013 the Board shall submit to the FLDOE the information set forth in A through C **for the previous year**.

Facilities

No later than January 1st, the FL DOE shall annually provide to the District a list of all underused, vacant, or surplus facilities owned or operated by the District as reported in the Florida Inventory of School Houses. The District may provide evidence to FL DOE that the list contains errors or omissions within thirty (30) days after receipt of the list. By each April 1st, FL DOE shall update and publish a final list of all underused, vacant, or surplus facilities owned or operated by the District, based upon updated information provided by the District. A hope operator establishing a school of hope may use an educational facility identified in this section as prescribed in F.S. 1002.33(7)(d).

Nonexclusive Interlocal Agreements

The Board may enter into nonexclusive interlocal agreements with Federal and State agencies, counties, municipalities, and other governmental entities that operate within the geographical borders of the District to act on behalf of such governmental entities in the inspection, issuance, and other necessary activities for all necessary permits, licenses, and other permissions that a charter school needs in order for development, construction, or operation. A charter school may use, but may not be required to use, the District for these services. The interlocal agreement must include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must consist of the governmental entity's fees plus a fee for the Board to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to F.S. 1002.33(20). **Notwithstanding any other provision of law, an interlocal agreement, or ordinance that imposes a greater regulatory burden on charter schools than on the District or that prohibits or limits the creation of a charter school is void and unenforceable. An interlocal agreement entered into by the District by the development of only its own District schools, including provisions relating to the extension of infrastructure, may be used by charter schools.**

Services

The Board will provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services, exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the Board at the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as the charter school begins serving food under the National School Lunch Program and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the Board; test administration services, including payment of the costs of State-required or

Board-required student assessments; processing of teacher certificate data services; and information services, including equal access to **the sponsor's** student information systems that are used by public schools in the District. Student performance data for each student in a charter school, including, but not limited to, State mandated testing scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the Board to a charter school in the same manner provided to other public schools in the District.

The Board may withhold an administrative fee for the provision of such services which shall be a percentage of the available funds defined in F.S. 1002.33(17)(b) calculated based on weighted full-time equivalent students. If the charter school services seventy-five percent (75%) or more exceptional education students as defined in F.S. 1003.01(3), the percentage shall be calculated based on unweighted full-time equivalent students. The administrative fee shall be calculated as follows:

- A. Up to five percent (5%) for the following:
 - 1. enrollment of up to and including 250 students in a charter school as defined in F.S. 1002.33(20);
 - 2. enrollment of up to and including 500 students within a charter school system which meets all of the following:
 - a. includes conversion charter schools and nonconversion charter schools;
 - b. has all of its schools located in the same county;
 - c. has a total enrollment exceeding the total enrollment of at least one school district in Florida;
 - d. has the same governing board for all of its schools; or
 - e. does not contract with a for-profit service provider for management of school operations;
 - 3. enrollment of up to and including 250 students in a virtual charter school: and,
 - 4. **Up to two percent (2%) for enrollment of up to and including 250 students in an exceptional student education center that meets the requirements of the rules adopted by the State Board of Education pursuant to F.S. 1008.3415(3).**
- B. Up to two percent (2%) for enrollment of up to and including 250 students in a high-performing charter school as defined in F.S. 1002.331

The Board will not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this policy. **The Board will not charge or withhold any administrative fee against a charter school any funds specifically allocated by the Legislature for teacher compensation.**

The Board shall provide the FLDOE by no later than September 15th of each year the total amount of funding withheld from charter schools pursuant to this policy and Florida law for the prior fiscal year.

If goods and services are made available to the charter school through the contract with the Board, they shall be provided to the charter school at a rate no greater than the Board's actual cost unless mutually agreed upon by the charter school and the Board in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on the dispute. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals to be paid by the party whom the administrative law judge rule against. To maximum the use of State funds, the Board shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

The governing body of the charter school may provide transportation through an agreement or contract with

the Board. The charter school and the Board shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

School Safety Requirements

Each charter school in the District must comply with the requirements of F.A.C. 6A-1.0018 and Florida law pertaining to school safety, including the requirement that charter schools coordinate with the District's School Safety Specialist. See also, Board Policy 8405 (School Safety and Security) and Policy 8407 (Safe-School Officers).

Interpretation

If a court or agency of competent jurisdiction invalidates any provision of this policy or finds a specific provision to be in conflict with the Florida Constitution, Florida statutes, the Florida Administrative Code, or any rule or policy prescribed by the FLDOE, then all of the remaining provisions of this policy shall continue unabated and in full force and effect.

In the event that an existing charter school contract provision is found to be inconsistent with this policy, the charter contract provision prevails. Any charter approved after the adoption of this policy is required to be fully consistent with this policy.

If there is any conflict with this policy, F.S. 1002.33 et. seq. and other regulatory statutes are prevailing. Existing charter school contracts that predate this policy remain in full force and effect absent a controlling Federal or State statute.

Charter School Responsibilities and Adherence to Florida Statutes

Section 8. Paragraph (b) of subsection (16) of section 1002.33, Florida Statutes, is amended to read: 1002.33 Charter schools.— (16) EXEMPTION FROM STATUTES.—

(b) Additionally, a charter school shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.
2. Chapter 119, relating to public records.
3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.
4. Section 1012.22(1)(c), relating to compensation and salary schedules.
5. Section 1012.33(5), relating to workforce reductions.
6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.
7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.
8. Section 1006.12, relating to safe-school officers.
9. Section 1006.07(7), relating to threat assessment teams.
10. Section 1006.07(9), relating to School Environmental Safety Incident Reporting.
11. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.
12. Section 1006.07(6)(c), relating to adopting an active assailant response plan.
13. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.
14. Section 1012.584, relating to youth mental health awareness and assistance training.

Revised 10/23/18

Revised 8/11/20

F.S. 39.203
F.S. Chapter 120
F.S. 218.39
F.S. 218.391
F.S. 218.503
F.S. 286.23
F.S. 768.095
F.S. 1001.10
F.S. 1001.41
F.S. 1002.31
F.S. 1002.33
F.S. 1002.3301
F.S. 1002.345
F.S. 1008.31

F.S. 1008.34
F.S. 1011.60
F.S. 1012.01
F.S. 1012.315
F.S. 1012.32
F.S. 1013.12
F.A.C. 6A-1.0081
F.A.C. 6A-1.099827
F.A.C. 6A-2.0020
F.A.C. 6A-6.0781
F.A.C. 6A-6.0784
F.A.C. 6A-6.0786
F.A.C. 6A-6.07862
F.A.C. 6A-6.0787

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8407 - SAFE-SCHOOL OFFICERS

For the protection and safety of students, school personnel, visitors, and property, the District shall partner with local law enforcement agencies to establish or assign one or more safe-school officers at each school facility in the District, including charter schools. A Safe-School officer shall be present, at a minimum, during the school day when the school facility is open for instruction as defined by the approved school calendar (See, Policy 8210 - *School Calendar*).

Definitions

"Safe-School officer" means a school resource officer, a school-safety officer, a school guardian, or a school security guard, as identified in F.S. 1006.12.

"School facility" means a public K-12 school, including a charter school, with a Master School Identification Number (MSID) number as provided under F.A.C. 6A-1.0016, with the following exceptions:

- A. Schools with separate MSID numbers that are located at the same physical location and are co-located with each other are a single-school facility.
- B. Schools that are located at separate physical locations and are not co-located, but share one MSID number are separate school facilities.
- C. A school facility does not include:
 1. schools without a physical location for instruction of students, such as virtual schools, virtual instruction programs, virtual course offerings, franchises of the Florida Virtual School and virtual charter schools;
 2. settings where instruction is provided in a county jail or state prison, in a Department of Juvenile Justice facility or program, in a hospital, or while a student is homebound;
 3. schools that provide only prekindergarten or adult education;
 4. technical centers under F.S. 1004.91; and
 5. private schools, regardless of whether or not their students receive State scholarship funds under F.S. Chapter 1002.

Training

Safe-School officers must complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training shall improve officers' knowledge and skills as first responders to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

Limitations

An individual must satisfy background screening, psychological evaluation, and drug test requirements and be approved by the Manatee County Sheriff before participating in any training required by F.S. 30.15(1)(k) which may be conducted only by a sheriff.

School Resource Officers

The School Board will enter into cooperative agreements with law enforcement agencies for the provision of school resource officers. School resource officers must be certified law enforcement officers as defined in F.S. 943.10(1) and employed by a law enforcement agency as defined in F.S. 943.10(4). School resource officers shall:

- A. undergo criminal background checks, drug testing, and a psychological evaluation; and
- B. abide by Board policies and consult with and coordinate activities through school principals.

With respect to matters relating to employment, school resource officers shall be responsible to their law enforcement agency, subject to agreements between the Board and law enforcement agency. Activities conducted by school resource officers which are part of the regular instructional program of schools shall be under the direction of school principals.

The powers and duties of law enforcement officers shall continue throughout school resource officers' tenure.

School Guardians (The Coach Aaron Feis Guardian Program)

The Board utilizes school guardians pursuant to The Coach Aaron Feis Guardian Program.

The Superintendent shall be responsible for appointing school guardians. Prior to appointing school guardians, the Superintendent must verify through evidence provided by the Manatee County Sheriff that potential school guardians have met all the requirements set forth in F.S. 30.15.

School guardians do not have the power of arrest or the authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident.

In support of school-sanctioned activities for purposes of F.S. 790.115, the following individuals may serve as a school guardian:

- A. a District employee or personnel as defined under F.S. 1002.01 who volunteers to serve as a school guardian in addition to his/her official job duties; or
- B. a District employee who is hired for the specific purpose of serving as a school guardian.

Prior to appointing school guardians, the Superintendent must provide the Board with evidence from the Manatee County Sheriff demonstrating that potential school guardians have met all the requirements set forth in F.S. 30.15.

Pursuant to Florida State Board of Education Rule 6A-1.0018, Florida schools are also required to establish a policy for safe-school officer assignment outside the regular school day, including during, before, and after school, summer school, during extracurricular activities, and for school-sponsored events.

School administration is responsible for determining if safe-school officers are needed for extracurricular activities and after school events. School administration will consider the number of persons present, the ratio of staff members to students, and any other safety and security measures available.

The School Safety Specialist, in consultation with the Chief of Safety & Security, Law Enforcement, and the learning community and/or Executive Directory of Secondary Schools, may require schools to add or implement additional safety and security measures for extracurricular activities and after school events.

Safe-School officers will be assigned during the summer session based on the availability of resources.

Notification of Incidents Involving Safe-School Officer Discipline, Dismissal or Discharge of a Firearm

- A. Discharge of a Weapon

"Discharge" means to fire a gun or firearm.

The Superintendent must notice the Office of Safe Schools when a Safe-School officer assigned to any school facility in the District discharges a firearm in the exercise of Safe-School officer duties, other than for training purposes, as provided in F.S. 1006.12 (5). Notification must be made no later than seventy-two (72) hours of the incident by submitting Form SSON-2021 to SafeSchools@fldoe.org.

The Superintendent is also responsible for notifying the Manatee County Sheriff immediately after, but no later than seventy-two (72) hours after, a Safe-School Officer discharges their firearm in the exercise of their duties other than for training purposes. the occurrence of the following:

B. Dismissal or Discipline

"Dismissal" means a Safe-School officer is permanently relieved of their position. Dismissal or termination is involuntary and initiated by the employer, including firings or other discharges for cause. "Discipline" means a Safe-School officer received a behavior-related official reprimand.

The Superintendent must notify the Office of Safe Schools when a Safe-School officer assigned to a school facility in the District has been disciplined for misconduct or has been dismissed from their duties as a Safe-School officer by their employer, including in cases where the officer is reassigned or moved to another school location, whether by a school district, charter school, law enforcement agency, or private security company, as provided F.S. 1006.12 (5). Notification must be made no later than seventy-two (72) hours of the dismissal or disciplinary action by submitting Form SSON-2021 to SafeSchools@fldoe.org.

- C. The Superintendent must notify the Office of Safe Schools when there is an allegation of misconduct that results in a Safe-School officer being placed on administrative leave or reassigned pending completion of an investigation using the procedure set forth in F.A.C. 6A-1.0018 (18)(b)1. Within fifteen (15) days of completion of the investigation, updated information regarding the result of the investigation must be provided to the Office of Safe Schools.

The Superintendent is also responsible for notifying the Manatee County Sheriff immediately after, but no later than seventy-two (72) hours after, a Safe-School Officer is dismissed for misconduct or disciplined.

- D. The Superintendent shall adopt and implement procedures to verify that charter schools, law enforcement agencies, and private security firms employing or contracting with Safe-School officers timely report discipline and dismissal of Safe-School officers and any discharge of an officer's weapon outside of training activities, so that the District can meet the reporting requirements under Florida law.

Crisis Intervention Training

Each Safe-School Officer who is also a sworn law enforcement officer must complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training must improve the officer's knowledge and skills as a first responder to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

Each Safe-School Officer who is not a sworn law enforcement officer must receive training to improve the officer's knowledge and skills necessary to respond to and de-escalate incidents on school premises.

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Revised 3/8/22
Revised 12/13/22

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9142 - Educational Equity Policy - Revised DRAFT

The School District of Manatee County will ensure equal opportunity and access in relation to all stakeholders: students, families, and staff within the school district community, by valuing, acknowledging, recognizing, and celebrating everyone in our school system. We are committed to inspiring our school community to be accepting, open minded and willing to learn from individuals from various backgrounds.

The School District of Manatee County supports equitable access for all stakeholders: students, families, and staff within the school district community regardless of race, color, national or ethnic origin, language, culture, gender, sex, gender identity, gender expression, sexual orientation, religious and spiritual beliefs, age (except as authorized by law), political beliefs, marital status, handicapping condition(s), social and family background (collectively protected characteristics), or physical and learning abilities.

Equity as an outcome, is achieved when an individual's success and well-being is no longer predicated by any social, cultural or economic factor. Equity as an action, in the schools and the District involves individuals who are willing to:

- i. support culturally responsive school environments equally for children and adults;
- ii. ensure that each student receives what they need when they need it, to ultimately develop to their full academic and social potential; and
- iii. cultivate the unique gifts, talents and interests that reside in every child and adult.

The School District of Manatee County believes that sustaining a diverse and inclusive environment is essential to the growth and development of the school district. This policy ensures that all stakeholders, students, parents, and staff will have the access and opportunity to engage fully in academic and/or career opportunities to support their achievement.

The School Board will implement policies that promote equity and access for all stakeholders by taking the following steps:

- a. Promote leadership and professional growth through mentoring, meaningful dialogue and leveraging the strengths of its members representing diverse generational experiences while working together for the common good.
- b. Identify and address gaps in academic achievement
- c. Provide leadership that is committed to identifying and working to bring resolutions to disparities and disproportionalities in practices that inhibit the success of students and staff alike.
- d. Select and develop instructional materials that are historically accurate and represent the experiences of the diverse school community.
- e. Ensure that each student has access to multiple pathways to success and advanced academic programs.
- f. Utilize data and evidence-based research to address racial disproportionality in student discipline.
- g. Utilize data and evidence-based research to address racial disproportionality in placement in special education programs.
- h. Recruit and make efforts to retain highly qualified administrators and teachers who reflect the diverse community of Manatee County.
- i. Provide evidence-based professional learning with a focus on understanding and teaching a diverse population.
- j. Develop effective partnerships with the families and students in our diverse communities.
- k. Require a report be provided to the School Board annually to ensure implementation of this policy.

- I. Update this policy annually so that it is consistent with all Florida State Statutes and FLDOE Rules and Guidelines, especially F.S. 1000.05 Florida Educational Equity Act. This policy is based upon current legislation and is subject to any legislative changes which will be controlling.

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