

# Florida Virtual School Board Policies



Copyright © by Florida Virtual School. All rights reserved. Florida Virtual School and FLVS are registered trademarks of Florida Virtual School, a public school district of the State of Florida.

## Table of Contents

### BENEFITS

<b>B001 – BENEFITS BEYOND THE PAYCHECK .....</b>	<b>7</b>
<b>B002 – EDUCATIONAL ASSISTANCE.....</b>	<b>12</b>
<b>B004 – RETIREMENT PLAN .....</b>	<b>14</b>
<b>B005 – WORKER’S COMPENSATION .....</b>	<b>18</b>
<b>CM001 – MEDIA INQUIRY PROTOCOL.....</b>	<b>19</b>
<b>C004– ADVANCED DEGREES .....</b>	<b>20</b>
<b>F001 – ANNUAL BUDGET .....</b>	<b>22</b>
<b>F002 – BUDGET AMENDMENTS .....</b>	<b>23</b>
<b>F003 – BANKING SERVICES .....</b>	<b>24</b>
<b>F005 – FLVS FOUNDATION .....</b>	<b>25</b>
<b>F006 – TYPES OF FUNDS .....</b>	<b>26</b>
<b>F007 – FINANCIAL REPORTS AND STATEMENTS.....</b>	<b>27</b>
<b>F008 – INVENTORIES.....</b>	<b>28</b>
<b>F009 – AUDITS/FINANCIAL MONITORING.....</b>	<b>29</b>
<b>F010 – REVENUES FROM INVESTMENTS .....</b>	<b>30</b>
<b>F012 – PROMOTIONAL ACTIVITIES AND COMMUNITY RELATIONS.....</b>	<b>31</b>
<b>F013 – COMMUNICATIONS STIPENDS .....</b>	<b>32</b>
<b>F014 – ACCOUNTS RECEIVABLE COLLECTIONS .....</b>	<b>33</b>
<b>F015 – FEDERAL AWARD SUB-RECIPIENT MONITORING.....</b>	<b>34</b>
<b>F016 – REVENUE AND FEES .....</b>	<b>35</b>
<b>F017 – FLORIDA VIRTUAL SCHOOL STRATEGIES AND PLANS .....</b>	<b>36</b>
<b>FA001– SAFETY .....</b>	<b>37</b>
<b>FA003 – BUILDING SECURITY.....</b>	<b>39</b>
<b>FA004 – EMERGENCY PREPAREDNESS .....</b>	<b>44</b>
<b>FA005 – MAINTENANCE AND REPAIRS.....</b>	<b>56</b>

**FA006 – ACCESS CONTROL CARDS AND KEY CONTROL ..... 57**

**FA007 – USE OF FACILITIES ..... 58**

**FA008 – USE OF SCHOOL FACILITIES FOR POLITICAL ACTIVITY ..... 60**

**FA009 – TOBACCO-FREE SCHOOLS AND FACILITIES ..... 62**

**FA010 – MAIL AND DELIVERY SERVICES ..... 63**

**FA011 – DISPOSING OF SURPLUS, OBSOLETE, AND UNUSABLE TEXTBOOKS, AND INSTRUCTIONAL MATERIALS ..... 65**

**FA012 – INVENTORY AND TANGIBLE PROPERTY ..... 66**

**FA013 – DISPOSAL OF TANGIBLE PERSONAL PROPERTY ..... 69**

**I001 – STANDARDS FOR STUDENT ACHIEVEMENT ..... 71**

**IT001 – SERVER ROOM ACCESS ..... 72**

**IT002 – COMPUTER RESOURCES AND DATA ACCEPTABLE USE ..... 73**

**IT003 – INFORMATION DATA SECURITY ..... 75**

**IT004 – ACCEPTABLE USE OF DIGITAL RESOURCES ..... 77**

**IT005 – WORKSTATION SOFTWARE LICENSING ..... 79**

**IT006 – COMPUTER DATA BASE RESOURCES ..... 80**

**IT007 – ELECTRONIC COMMUNICATIONS AND PUBLIC RECORDS ..... 81**

**IT008 – CRIMINAL JUSTICE INFORMATION COMPLIANCE ..... 85**

**L009 – WEATHER EMERGENCY CLOSINGS ..... 102**

**PM001 – PERFORMANCE EVALUATIONS ..... 103**

**PM002 – PERFORMANCE PAY ..... 105**

**PS001 – BUSINESS CONDUCT STANDARDS ..... 107**

**PS002 – COMMUNICATION REQUIREMENTS AND EXPECTATIONS ..... 111**

**PS003 – COACHING/COUNSELING/DISCIPLINE ..... 112**

**PS004 – DRUG AND ALCOHOL FREE WORKPLACE ..... 113**

**PS005 – EMPLOYEE USE OF SOCIAL MEDIA & BEST PRACTICES ..... 115**

**PS006 – OWNERSHIP OF INTELLECTUAL PROPERTY ..... 119**

**PS007 – PROFESSIONALISM/DRESS CODE..... 120**

**PS008 – VISITORS IN THE WORKPLACE ..... 121**

**PS009 – FOREIGN CORRUPT PRACTICES ACT (FCPA)..... 122**

**PS010 – CODE OF CIVILITY..... 126**

**PS011 – EMPLOYEE CRIMINAL ACTIVITY RECORD ..... 129**

**PS012 – EMPLOYEE CODE OF ETHICS ..... 131**

**PS013 – EQUAL EMPLOYMENT OPPORTUNITY..... 132**

**PS014 – GRIEVANCES ..... 133**

**PS015 – HARASSMENT-FREE ENVIRONMENT ..... 134**

**PS016 – FRAUD REPORTING ..... 136**

**PS017 – WORKPLACE VIOLENCE PREVENTION ..... 138**

**PS018 – VETERANS’ PREFERENCE ..... 139**

**PS019 – DISCIPLINARY ACTION AND SEPARATION ..... 143**

**PS020 – TERMINATION OF EMPLOYMENT..... 144**

**PS021 – UNEMPLOYMENT COMPENSATION ..... 146**

**PS022 – SEVERANCE ..... 147**

**PS023 – EMPLOYMENT OF RELATIVES ..... 148**

**PS024 – PROBATIONARY PERIOD ..... 150**

**PS025 – CHILD ABUSE, NEGLECT, AND ABANDONMENT..... 151**

**PS026 – AT WILL EMPLOYMENT ..... 156**

**PS027 – ATTENDANCE REQUIREMENTS ..... 157**

**PS028 – REMOTE WORK ENVIRONMENT ..... 159**

**PS029 – EMPLOYMENT LAWS ..... 162**

**PS030 – EMPLOYMENT OF FORMER EMPLOYEES ..... 163**

**PS031 – IMMIGRATION AND NON-CITIZEN EMPLOYMENT..... 164**

**PS032 – NEW EMPLOYEE ORIENTATION ..... 165**

**PS033 – OUT-OF-STATE EMPLOYMENT ..... 166**

**PS034 – SECONDARY/OUTSIDE EMPLOYMENT ..... 168**

**PS035 – TRANSFERS AND PROMOTIONS..... 169**

**PS036 – TEACHING OUT OF FIELD ..... 173**

**RM001 – ACCESS TO PERSONNEL RECORDS ..... 174**

**RM003 – OFFICIAL TRANSCRIPTS REQUEST ..... 175**

**RM004 – IMPROPER USE OF SCHOOL RECORDS..... 176**

**RM005 – LEGAL NAME OF STUDENT ..... 177**

**RM008 – PERSON STANDING IN LOCO PARENTIS TO STUDENT ..... 178**

**RM009 – ACCESS TO STUDENT RECORDS ..... 179**

**RM010 – RECORDS RETENTION AND DISPOSAL..... 180**

**RM011 – RESPONSIBILITIES AND MAINTENANCE OF RECORDS CREATED ..... 181**

**RM012 – RESPONSIBILITIES AND MAINTENANCE OF RECORDS SUBMITTED TO THE EMPLOYEE FILE..... 182**

**SM002 – STANDARDS FOR STUDENT ACHIEVEMENT ..... 184**

**TR001 – TRAVEL/ENTERTAINMENT EXPENSES ..... 185**

**TR002 – LEASED VEHICLE POLICY ..... 194**

**TR003 – INK CARTRIDGE REIMBURSEMENT..... 197**

**STU001– HOMELESS STUDENT EDUCATION..... 198**

**STU002– BULLYING AND HARASSMENT..... 203**

**RISK001– RISK MANAGEMENT AND CLAIMS LITIGATION..... 213**

**PO6320 – PURCHASING AND CONTRACTING FOR COMMODITIES AND SERVICES..... 216**

**PO7510 – USE OF FLVS FACILITIES..... 224**

**PO7434 – TOBACCO-FREE ENVIRONMENT..... 226**

**PO7410 – MAINTENANCE..... 228**

**PO1217 – WEAPONS..... 230**

**PO8710 – INSURANCE ..... 233**

**PO8740 – BONDING ..... 235**

**PO8770 – JOINT SELF-INSURANCE POOL ..... 237**

**PO8420 – EMERGENCY MGT., EMERGENCY PREPAREDNESS & EMERGENCY RESPONSE AGENCIES..... 239**

**PO8442 – REPORTING ACCIDENTS/INCIDENTS..... 242**

**PO8330 – STUDENT RECORDS..... 244**

**PO8310 – PUBLIC RECORDS..... 255**

**PO8320– RECORDS MANAGEMENT..... 259**

**PO1430 – LEAVES OF ABSENCE..... 261**

**PO1430.07 – MILITARY LEAVE..... 264**

**PO1430.09 – JURY/WITNESS DUTY LEAVE..... 267**

**PO1430.10 – BEREAVEMENT LEAVE..... 269**

**PO6520 – SALARY AND PAYROLL DEDUCTIONS..... 271**

**PO6700– FAIR LABOR STANDARDS ACT..... 274**

PO1430.01 – FMLA LEAVE..... 256

PO1430.02 – DOMESTIC VIOLENCE LEAVE..... 266

PO1430.03 – SICK LEAVE..... 268

PO1430.06 – ANNUAL LEAVE..... 271

PO1430.11 – OTHER LEAVE OF ABSENCE. .... 274

PO5350 – STUDENT SUICIDE PREVENTION, AWARENESS & SCREENING..... 275

PO5511 – DRESS AND GROOMING..... 277

PO5513 – CARE OF SCHOOL PROPERTY..... 278

PO5516 – STUDENT HAZING..... 279

PO5517.01 – BULLYING AND HARASSMENT..... 282

PO5517.03 – DATING VIOLENCE AND ABUSE..... 292

PO5520 – DISORDER AND DEMONSTRATION..... 296

PO5531 – STUDENT ASSISTANCE PROGRAMS..... 297

PO5600 – STUDENT DISCIPLINE..... 298

PO5605 – SUSPENSION/EXPULSION OF DISABLED STUDENTS..... 300

PO5610 – REMOVAL, OUT-OF-SCHOOL SUSPENSION, DISCIPLINARY PLACEMENT, & EXPULSION OF STUDENTS..... 301

PO5611 – DUE PROCESS RIGHTS..... 307

PO5771 – SEARCH AND SEIZURE..... 309

PO5772 – WEAPONS..... 311

## WELCOME TO FLORIDA VIRTUAL SCHOOL

Whether you are a new employee or veteran staff member of Florida Virtual School<sup>®</sup> (FLVS<sup>®</sup>), you are valued for the service you provide to our school. You serve as a vital link in the chain of providing quality education to students in Florida and throughout the world.

Our customers include students, parents, schools, districts, and teachers. Our customers form an opinion about FLVS based on their interaction with every member of our team. FLVS is a choice for students, not a requirement; therefore, it is critical to the educational process that every FLVS team member be a positive and proactive ambassador for our school.

You were selected for your position because of the unique talents you possess. FLVS sets high standards for all its staff members and strives to assure all employees will find our team environment rewarding. The following section will review our basic philosophies and our structure.

## FLVS BOARD OF TRUSTEES

The FLVS Board of Trustees consists of seven members who have experience working in a variety of fields such as education, business, and government. The Governor of the State of Florida approves board members. The Board of Trustees is required to meet a minimum of four times each year with roles and responsibilities defined by Florida Law.

## HISTORY OF FLVS

Florida Virtual School was established by an act of the Florida Legislature, as specified under Florida Statutes, Title XLVIII, Chapter 1002, and Section 1002.37, to develop and deliver online and distance learning education. FLVS initiated online activities in August 1997 in partnership with Alachua and Orange County School Districts.

## **B001 – BENEFITS BEYOND THE PAYCHECK**

Policy Issue Date: 7/1/2018

Page 1 of 5

### **POLICY:**

FLVS provides an employer-sponsored group health and benefits plan to all full-time employees who are eligible for benefits. Full-time employees working 40 hours per week are entitled to the benefits cited below. All benefit offerings are reviewed by the FLVS Insurance Committee and authorized by the FLVS Board of Trustees or their designees. All benefits provided to FLVS employees and/or costs thereof are subject to modification, change, or deletion at any time as determined by the FLVS Board of Trustees or their designees.

Employees are eligible effective the first of the month following 60 days of full-time contiguous employment. A Benefits Orientation is offered during the new employee orientation phase of employment.

### **GROUP INSURANCE**

FLVS Board paid benefits include:

- Medical Coverage (approx. 85 percent for employee only, 75 percent towards dependent coverage)
- Dental Coverage (100 percent for employee in Low PPO Dental Program)
- Basic Life and Accidental Death and Dismemberment Benefits (100 percent)
- Short-term Disability and Long-term Disability (100 percent)
- Employee Assistance Program (100 percent)

### **PROCEDURE:**

For details and official terms of the FLVS Board approved paid plans, refer to the benefits tab in Workday.

*\*FLVS reserves the right to modify its benefits for employees at any time.*



The Board offers the following as part of the benefits package:

### MEDICAL COVERAGE

- FLVS pays approximately 85 percent of eligible employee-only medical tier, and approximately 75 percent towards any employee plus dependent tier.
- A Prescription Plan is included in the medical coverage.
- The employee's portion of the premiums will be paid through payroll deduction on a pre-tax basis \*
- Options are provided for medical plan selection.

» See your current Medical Policy Entitlements

### TOBACCO USE

- All employees who are enrolled, or who become enrolled, in employer-sponsored medical coverage are required to acknowledge their tobacco use status. Those who report the use of tobacco will be given the opportunity to enroll in a tobacco cessation program.
- Employees who designate themselves as “non-tobacco users” must inform the Benefits Department within three business days of using a tobacco product.
- Covered employees who certify that they have used tobacco in the preceding 90 days, and who do not choose to enroll in a tobacco cessation program, will be issued a bi-weekly surcharge.
- Surcharge will not exceed 20 percent of the total annual cost for employee-only coverage.
- All covered employees will be given the opportunity on at least an annual basis to recertify their tobacco use status and have the surcharge waived if they have met the requirements to be designated a “non-tobacco user.”
- Covered employees may be tested at any time. Employees who have falsely claimed the “non-tobacco user” designation, or who failed to report their current tobacco use within the allotted timeframe, may be charged retroactive for the “current tobacco user” surcharge, and may be subject to corrective disciplinary action, up to and including termination.

### WAIVERS

- For some employees it may be considered unreasonably difficult due to a medical condition to achieve the standards for the surcharge waiver under this program, or it may be medically inadvisable to attempt to achieve the standards for the surcharge waiver under this program. In such cases, it is the employee’s responsibility to contact the Benefits Department, which will assist in developing a reasonable alternative standard in which to qualify for the surcharge waiver.

Currently, there are several states with “smoker’s protection laws.” Covered employees in these states may be exempt from mandatory participation in this program and should contact Benefits Department for more information.

### DENTAL COVERAGE FOR EMPLOYEES AND DEPENDENTS

- Low PPO Dental coverage is available as an employer-paid benefit to eligible employees.
- Employees may buy-up coverage for themselves and may also purchase coverage for their eligible dependents.
- Employee premiums will be deducted from their paychecks on a pre-tax basis \*

### VISION COVERAGE FOR EMPLOYEES AND DEPENDENTS

- Vision coverage is available as an employee-paid benefit to eligible employees.
- Employees may buy coverage for eligible dependents.
- Employee premiums will be deducted from their paychecks on a pre-tax basis \*

### FLEXIBLE SPENDING ACCOUNTS

- Employees may elect and participate in a medical FSA for eligible health care expenses.
- Employees may elect and participate in a dependent care FSA for child/elder care expenses.
- FSA plans are an employee-paid benefit.
- FSA election amounts will be deducted from employees' paychecks on a pre-tax basis \*

### BASIC LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT (AD&D) INSURANCE

- Basic Life and AD&D coverage is available as an employer-paid benefit to eligible employees.
- Employees receive a basic \$40,000.00 life insurance policy. The policy is doubled in the event of accidental death or dismemberment.
- This is a portable insurance benefit that can be converted and maintained post-FLVS employment.

### VOLUNTARY LIFE INSURANCE

- Voluntary life insurance is available as an employee-paid benefit to eligible employees.
- Employees may buy coverage on eligible dependents.
- Employee premiums will be deducted from their paychecks on a post-tax basis.
- This is a portable insurance benefit that can be converted and maintained post-FLVS employment.

### EMPLOYEE ASSISTANCE PROGRAM

- Employee Assistance Program coverage is available as an employer-paid benefit to eligible employees.
- Information on accessing the employee assistance program can be found on the Benefits section of FLVSConnect or by contacting the Benefits Department.

### ALLSTATE SUPPLEMENTAL INSURANCE

- AllState supplemental insurance is an employee-paid benefit.
- These policies pay cash directly to the employee under qualifying circumstances, regardless of any other insurance.
- Employee premiums will be deducted from their paychecks on a pre-tax basis.
- This is a portable insurance benefit that can be maintained post-FLVS employment.

### ACCIDENT INSURANCE

- These policies pay cash directly to the employee in the event of a qualifying accident, regardless of any other insurance.
- Accident coverage is available as an employee-paid benefit to eligible employees.
- Employee premiums will be deducted from their paychecks on a pre-tax basis.

### SHORT-TERM DISABILITY

- Basic short-term disability coverage is available as an employer-paid benefit to eligible employees. Employees receive 66.75 percent of weekly salary coverage, up to a max of \$250.00 per week.
- There is an eight-day wait period (non-reimbursable period) for illnesses and a one-day wait period for accident claims.
- The maximum duration for short-term disability payments is 26 weeks from disability date.
- Employees must exhaust their accrued sick and annual leave prior to receiving a short-term disability payment to ensure no more than 100 percent salary continuance.

### SHORT-TERM DISABILITY BUY-UP

- Short-term disability buy-up coverage is available as an employee-paid benefit to eligible employees. Employee paid premiums will be deducted from their paychecks on a post-tax basis.
- Employees electing this coverage receive 66.75 percent of weekly salary coverage, up to a max of \$1,000.00 per week.

### LONG-TERM DISABILITY

- Long-term disability coverage is available as an employer-paid benefit to eligible employees.
- Employees receive 60 percent of monthly salary, up to a max of \$6,000.00 monthly.
- Benefits begin after 180 days of disability.

### LEGAL PROTECTION

- Legal and Identity Theft coverage is available as an employee-paid benefit to eligible employees.
- Employee premiums will be deducted from their paychecks on a post-tax basis.

\*Note: Currently NJ is the only state in which Florida Virtual School operates that does not follow Section 125 Benefit Tax Code, therefore, these payroll deductions are NJ Taxable.

## B002 – EDUCATIONAL ASSISTANCE

Policy Issue Date: 7/1/2018

Page 1 of 2

### POLICY:

FLVS encourages employees to gain greater proficiency in their professional development and seek advanced degrees in an area of study that is job related. Job performance can be improved by attending courses related to the employee's present or reasonably prospective responsibilities in accredited schools, colleges, or established and recognized training programs/organizations. Financial assistance will be in the form of reimbursement based on established standards by the appropriate department director and Human Resources,

The employee shall pay the tuition costs and FLVS will reimburse tuition costs, up to a max of \$500.00 per semester, offered by an accredited school, college, university, or trade school. Reimbursement per employee will not exceed \$2,000.00 in a fiscal year.

### PROCEDURE:

Employees wishing to apply for tuition reimbursement must meet all the outlined requirements. Employees shall submit the Educational Assistance Program Request Form (located on FLVSConnect) **before enrolling** in the requested course.

Employee must submit the Educational Assistance Program Request Form to his/her department director for approval prior to enrolling in the desired course.

All requests for educational assistance undergo an administrative review. The appropriate department director and a Human Resources representative will review all applications and give final approval for educational assistance.

Requests will be considered on a first-come, first-served basis in addition to the appropriateness of the request. At the point when the fiscal year's budgeted dollars are committed, no additional requests will be approved.

## B002 – EDUCATIONAL ASSISTANCE

Page 2 of 2

Approvals by the employee’s director will be based on the following requirements:

### ELIGIBILITY

- The applicant must hold full-time employment status with FLVS, both at the time of the assistance request as well as at the time of completion of the approved course.
- The applicant must have completed 12 months of continuous full-time employment prior to applying for educational assistance.
- The applicant must be an employee in good standing without any identified performance issues.
- Applicant must successfully complete the approved course on his/her own time.
- Completion of approved courses/program must be in the same fiscal year funds were allocated.
- Courses, programs, or certifications must be directly related to increasing productivity in current position.
- Assistance is only available to FLVS employees.

### REIMBURSEMENT

The employee shall pay the tuition costs and FLVS will reimburse tuition costs, up to \$500.00 per semester, offered by an accredited school, college, university, or trade school using the following guidelines:

- Successful completion of the approved course or program must be verified.
- A passing grade is reimbursed as follows: A = 100 percent, B = 75 percent, C = 50 percent. Reimbursement will be made on a “grade period” basis. School yearly averages will not be used.
- Pass/Fail course expenses associated with receiving credit for life experiences and testing outside of a course will be reimbursed at 50 percent for a “pass” grade.
- Documentation of grades must be in the form of official transcripts.
- Reimbursements will be issued upon receipt of official transcripts.
- Reimbursement per employee will not exceed \$500.00 per school semester and \$2,000.00 max in a fiscal year.
- An employee who terminates employment, or whose employment is terminated regardless of the reason for termination, shall not be eligible for reimbursement, regardless of prior approval.

## **B004 – RETIREMENT PLAN**

Policy Issue Date: 7/1/2018

Page 1 of 4

### **POLICY:**

Membership in the Florida Retirement System (FRS) is compulsory if working in a full-time or part-time regularly established position as defined by Florida law. If you are in a temporary position you are not eligible for membership in FRS.

As an employee of FLVS, both employer and employee contributions are made on your behalf to the Florida Retirement System. Florida Law governs all eligibility for pension benefits and pension pay-out.

FLVS employees who enrolled as a member in the FRS prior to July 1, 2011, who reach normal retirement (meaning at least six years of service and age 62 or 30 years of service regardless of age) are eligible at the time they retire to elect retiree health insurance. The retiree pays this benefit at 100 percent.

FLVS employees who enrolled as a member in the FRS on or after July 1, 2011, who reach normal retirement (meaning at least eight years of service and age 65, or 33 years of service regardless of age) are eligible at the time they retire to elect retiree health insurance. The retiree pays this benefit at 100 percent.

Retirees who do not elect retiree health insurance when initially eligible will forfeit their right to participate in the FLVS retiree health insurance program at a future time.

Retirees participating in the FLVS retiree health insurance program who become reemployed by FLVS in a full-time capacity may elect to reenroll in the retiree health insurance program upon a subsequent termination date with FLVS.

### **RETIREMENT 403(b) PROGRAM TAX**

- FLVS offers 403(b) retirement plans, pre- and post-tax, through payroll deductions.
- FLVS has selected providers who offer quality services and are in compliance with IRS regulations.

### **NATIONAL GOVERNMENT EMPLOYEES RETIREMENT PLAN POLICY (SPECIAL PAY PLAN)**

This plan is set up to help governmental units and employees save up to 7.65 percent of Social Security/Medicare taxes and defer income taxes on eligible plan contributions.

## B004 – RETIREMENT PLAN

Page 2 of 4

### PROCEDURE:

Effective January 1, 2018, all new hires that are new to the Florida Retirement System will automatically default to the Pension Plan at time of hire. However, the member must actively make a choice between the Pension Plan or the Investment Plan during the initial election period of eight calendar months after month of hire. If member does not actively choose a plan during the eight month election period, the plan will automatically default to the Investment Plan after the eighth month. Educational information materials related to the election of a plan will be mailed within 8 months of hire to all new FRS members. In addition, all FRS members who have an initial choice between the Pension Plan and the Investment Plan will have a second opportunity to change plans prior to termination or retirement.

Newly hired employees can call the MYFRS Financial Guidance Line toll free at 866-446-9377, Option 2, or visit [ChooseMyFRSplan.com](http://ChooseMyFRSplan.com) to participate in an interactive video that will assist them in choosing the FRS retirement plan that makes the most sense.

### FRS PENSION PLAN

The FRS Pension Plan is a defined benefit plan qualified under Section 401 (a) of the Internal Revenue Code. The following information provides vesting options:

- Vesting refers to an earned right to receive retirement benefits when the employee reaches normal retirement of 62 years of age or by 30 years of service for employees who began participation in the FRS prior to July 1, 2011. Vesting refers to an earned right to receive retirement benefits when the employee reaches normal retirement of 65 years of age or by 33 years of service for employees who began participation in the FRS on/after July 1, 2011.
- Six years of creditable service is required to become fully vested for FRS members whose participation in the FRS began prior to July 1, 2011.
- Eight years of creditable service is required to become fully vested for employees who begin participation in the FRS on or after July 1, 2011.
- Effective July 1, 2011, all employee contributions are immediately vested, minus any interest earnings for those in the Pension Plan, once the member has been off all FRS covered payrolls for three full calendar months. Employer contributions made on behalf of the member are not refundable prior to vesting.
- If employment is terminated with FLVS after vesting and employee did not choose early retirement, contributions will remain on deposit with FRS until retirement age is reached.



### INVESTMENT PLAN

The FRS Investment Plan is a defined contribution plan qualified under Section 401(a) of the Internal Revenue Code. The following information provides an overview of vesting requirements:

- One year of service must be completed to become vested.
- Once employment is terminated for at least one calendar month after vesting, an employee may apply with the FRS to take up to 10 percent of his/her vested proceeds as a lump sum, direct rollover, or in periodic distributions. Once employment has been terminated for at least three full calendar months after vesting, the employee may apply with the FRS to take the full amount of his/her vested proceeds as a lump sum, direct rollover, or in periodic distributions.

### DEFERRED RETIREMENT OPTIONS (DROP)

DROP is only available to Pension Plan members who are vested and have reached their normal retirement date. Eligibility is determined by the State of Florida.

- This plan allows Pension Plan members to retire and begin accumulating their retirement benefits in the Pension Trust Fund without having to terminate their employment for up to 60 months.
- Applications are completed and submitted to the Benefits Department as early as six months prior to start of DROP but no later than 30 days prior.

### VOLUNTARY RETIREMENT 403(b) PROGRAM

A 403(b) plan is a tax-advantaged retirement savings plan available for public education organizations. Both pre-tax and Roth IRA (post-tax) options are available through participating vendors. To learn more about this qualified retirement plan, refer to 403(b) Meaningful Notice, which is available to all employees on FLVSConect and located under Benefits.

### NATIONAL GOVERNMENT EMPLOYEES RETIREMENT (SPECIAL PAY PLAN)

This plan is set up to help governmental units and employees save up to 7.65 percent of Social Security/Medicare taxes and defer income taxes on eligible plan contributions.

- The program is mandatory for all eligible employees who reach normal retirement or participate in the Deferred Retirement Options Plan (DROP).
- IRS guidelines require the program be mandatory in order to qualify for tax advantages.
- Employees under this plan who retire or enter into DROP and have accumulated “Special Pay” (Sick Leave and/or Annual Leave), will participate in this plan.

### SICK LEAVE PAYOUT PROCESS

Employees participating in DROP will have a percentage of their accumulated, eligible Sick Leave pay balance deposited into their account at the end of each year in DROP.

- Year 1                    20 percent of balance of Sick Leave
- Year 2                    25 percent of balance of Sick Leave
- Year 3                    33.33 percent of balance of Sick Leave
- Year 4                    50 percent of balance of Sick Leave
- Year 5                    100 percent of balance of Sick Leave

Employees retiring prior to their pre-selected DROP end date will have 100 percent of their remaining eligible Sick/Annual Leave balance paid into the plan, subject to contribution limits.

## **B005 – WORKER’S COMPENSATION**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

FLVS strives to provide an environment that is safe for all its employees. In the event of an accident, FLVS provides all employee classifications with Worker’s Compensation Insurance coverage as required by state and federal regulations.

### **PROCEDURE:**

Full-time employees absent from work due to a personal injury or illness received in the discharge of their duties may be entitled to in-line-of-duty (ILOD) for a period not to exceed 10 days per fiscal year, and not to exceed 10 days for the same injury or illness. ILOD benefits are not cumulative. Employees unable to resume work at the end of the 10-day ILOD benefit period may elect to utilize their accrued and available sick and annual leave. A worker’s compensation-related leave of absence will run concurrent with FMLA, if the employee is also eligible for leave under the FMLA regulations.

FLVS may require an employee to submit to a drug test at the time of an on-duty accident or injury reporting. The employee shall complete the test within a three-day period, or be subject to corrective action, up to and including termination of employment. The cost of the drug test is paid for by FLVS.

Should an employee incur injury while carrying out his/her duties as an employee of FLVS, the following procedure shall be followed:

- An employee who is injured while carrying out his/her duties must report all details of the incident to a benefits representative in Human Resources, who will notify the employee’s immediate supervisor. A benefits representative will complete a Notice of Injury and submit it to the appropriate Worker’s Compensation carrier.
- Once the Notice of Injury report is taken, the claim is assigned to a claims adjuster, with the applicable worker’s compensation carrier who directly oversees the employee’s claim.
- An employee who requests to be absent from work due to a job-related accident/illness may be authorized for a total not to exceed 10 days of paid in-line-of-duty leave if the worker’s compensation carrier is considering the claim may be compensable and FLVS has determined that the employee cannot perform the essential functions of his/her job and no reasonable accommodation exists.
- An employee who requires additional time off from work beyond the 10 days of paid ILOD may charge his/her absence to his/her accrued and available sick and annual leave.
- In the event of a non-emergency the employee should not seek attention from his/her personal physician or seek medical treatment without first consulting with the Benefits department, Human Resources to submit a Notice of Injury: coverage for Worker’s Compensation differs from regular health care coverage and is processed differently.
- In the event of an emergency, the employee should call 911 and seek immediate attention first. In cases of emergency, a Notice of Injury may be completed after initial treatment.

## **CM001 – MEDIA INQUIRY PROTOCOL**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

FLVS ensures that inquiries from journalists and media in general receive accurate and consistent information honoring confidentiality and sensitivity to the situation.

All inquiries from the media should be forwarded to the Communications Department at 407-513-3627.

### **PROCEDURE:**

When an FLVS employee receives an inquiry from any media source, the inquiry should be directed to the Communications Department.

## C004 – ADVANCED DEGREES

Policy Issue Date: 7/1/2018

Page 1 of 2

### POLICY:

FLVS may grant additional compensation to full-time employees for advanced degrees that are job related and not a requirement of the position. Payment for these degrees will be in accordance with state law and FLVS policy.

Payments for advanced degrees may be awarded upon receipt of an official transcript by Compensation, Human Resources and be retroactive to the employee's hire date at FLVS; the date the degree was awarded; or the beginning of the current fiscal year, whichever is later.

The President/CEO shall include the dollars for these payments in the current budget year. Advanced degree dollars are designated as follows\*:

- Master's Degree - \$2,500.00
- Specialist Degree - \$4,000.00
- Doctorate Degree - \$5,000.00

Employees may request an advanced degree award upon the employee's hire date at FLVS. Advanced degree payment will be awarded as a salary supplement.

Instructional Employees - the advanced degree must be in the individual's area of certification and not a requirement of the employee's position.

Support Employees - may be granted a supplement for advanced degrees that are job related and is not a requirement of the employee's position as determined by Compensation, Human Resources.

\*10-month contract employees will receive a pro-rated amount

### PROCEDURE:

Advanced degree credit will be subject to the following:

- Employees must provide an official college transcript of record indicating the advanced degree to Compensation, Human Resources. The advanced degree must be granted by a state institution or shall have been properly validated as described in the State Board of Education rules and must be deemed appropriate to be eligible.
- Support Employees - Advanced degree will be evaluated by Compensation, Human Resources for supplement payment to determine if it is job related and not a requirement of the employee's position.
- Instructional employees - Advanced degree will be evaluated by Compensation, Human Resources and Certification Services to determine if degree is in the employee's area of certification and not a requirement of the employee's position. Instructional employees with a continuous full-time employment date prior to July 1, 2011, are not required to have an advanced degree in the area of certification, any degree major or specialization will be considered, as long as there is no break in service with FLVS.
- Supplement payment for an approved advanced degree may be effective upon the employee's hire date at FLVS; the date the degree was awarded; or the beginning of the current fiscal year, whichever is later.

### SUPPLEMENT PAYMENTS

- Advanced degree supplement payments are considered part of an employee's income and subject to all applicable taxes and are included as part of the FRS calculations.
- Only active employees that clear the defined advanced degree requirements are eligible for the supplement payments. Should an employee leave the organization, any unpaid portion of the supplement will not be subject to payment.

In the instance of change in status or change in position, the employee's advanced degree will be reviewed and evaluated by the Compensation, Human Resources Department to determine if the supplement will transfer for continued payment.

## **F001 – ANNUAL BUDGET**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

The President/CEO shall prepare an annual budget in accordance with Florida law. In formulating the budget, the President/CEO shall:

- Utilize a system of cost effectiveness analysis for making management decisions and developing the school's mission and goals.
- Consider the immediate and long range needs of the school and student achievement data obtained pursuant to Section 1008.22 and 1008.34, Florida Statutes.

The President/CEO shall submit the proposed annual budget to the Board of Trustees for review and approval. The Board of Trustees shall adopt a balanced budget.

## **F002 – BUDGET AMENDMENTS**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

The President/CEO shall ensure that all school obligations and expenditures are within the appropriation allowed in the school budget. In addition, the President/CEO shall propose a budget amendment for the Board of Trustees consideration whenever:

- The total appropriations previously authorized by the Board of Trustees for the General Fund in the current fiscal year need to be increased.
- The total individual project appropriations previously authorized by the Board of Trustees for the current fiscal year for the Special Revenue Fund need to be increased.
- The total appropriations previously authorized by the Board of Trustees for any Enterprise Funds need to be increased.
- The total appropriations previously authorized by the Board of Trustees for any Internal Service Funds need to be increased.

Budget amendments shall be aggregated and presented in the form of an agenda item in the monthly Board meeting after the need is recognized.



## F003 – BANKING SERVICES

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

#### DEPOSITORIES

The Board of Trustees shall approve a list of financial institutions as depositories of Board funds. The Board shall select financial institutions that are approved by the Florida Department of Insurance and the Office of the Treasurer as qualified public depositories.

#### DEPOSITING AND WITHDRAWING FUNDS

Funds may be received, disbursed, or transferred by electronic or other medium or drawn from any school depository, by warrant to, from, or within its accounts in Board approved financial institutions. Adequate internal control measures shall be established and maintained on the authority of the Board, as prescribed by Florida Statutes or State Board of Education Rules.

#### TRANSFER OF FUNDS

The President/CEO or designee may be authorized by a Board resolution to enter into authorizing agreements with financial institutions for monetary transactions through electronic or other medium, from one county depository to another, or within a county depository for financial purposes. All monetary transactions shall be confirmed in writing and signed by the President/CEO or designee.

#### AUTHORIZED SIGNATURES FACSIMILE SIGNATURES

The facsimile signature of the Board Chairman and the President/CEO may be affixed to warrants as authorized by Board resolution. The facsimile signature of the Board Chairman may be used on contracts with staff members and warrants.

1. As used herein, facsimile signature shall mean a reproduction by engraving, imprinting, stamping, or other source of the manual signature.
2. Designated personnel in Financial Services are authorized to use the facsimile signature of the Board Chairman and the President/CEO.
3. The facsimile signature shall be kept secured at all times.

## F005 – FLVS FOUNDATION

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

The FLVS Foundation is recognized by the Board of Trustees for Florida Virtual School as a 501(c)3 entity, organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of education programs administered by Florida Virtual School. The bylaws of Florida Virtual School Foundation outline the general guidelines governing the certification and review of the activities undertaken by the FLVS Foundation.

1. The FLVS Foundation shall be a Florida Corporation, not for profit, incorporated under the provisions of Chapter 617, Florida Statutes, and approved by the Florida Department of State or an umbrella organized similarly for the benefit of FLVS.
2. The FLVS Foundation shall perform its duties as prescribed in its corporate charter and bylaws on file with the Department of State, subject to the provisions of State Board of Education Rule 6A-1.0013 and Sections 1001.24 and 1001.453, Florida Statutes.
3. The Board of Directors of The FLVS Foundation shall be approved by the Board of Trustees for Florida Virtual School.
4. The Board of Directors of The FLVS Foundation shall meet as required in its by-laws and at any other time(s) the chairman of The FLVS Foundation, or a majority of the total number of directors, determines necessary.
- ~~5.~~ The FLVS Foundation shall be authorized to use school facilities and personnel services as provided by the Board. Such use shall be governed by the appropriate Board rules.
6. The FLVS Foundation's fiscal year shall begin on July 1 and end June 30.
7. The FLVS Foundation shall file an annual operational and financial report with the FLVS Board of Trustees and FLVS President/CEO no later than August 31 each year following the close of the FLVS Foundation's fiscal year.

*Adopted: 06/22/2021*

*Amended: 06/22/2021*

## F006 – TYPES OF FUNDS

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

#### SCHOOL INTERNAL FUNDS

##### *Definition*

**Internal funds** are defined as all monies collected and disbursed by personnel for the benefit of school-sponsored activity. Internal funds shall be considered as unbudgeted public funds and shall be under the control and supervision of the Board with the President/CEO having responsibility as prescribed by the Board.

#### GOVERNANCE PROVISIONS

The collecting and expending of school internal funds shall be in accordance with Florida Statutes, State Board of Education Rules, Board Policies, and the Financial and Program Cost Accounting and Reporting for Florida schools manual published by the Florida Department of Education. Sound business practices shall be observed.

#### USE OF FUNDS

The use of funds from FLVS for the making of any legal contribution is strictly prohibited without the prior written concurrence of the President/CEO.

No unrecorded fund or asset of FLVS shall be established for any purpose.

No false entries shall be made in the books, records, or reports of FLVS for any purpose.

No payment on behalf of FLVS shall be approved or made with the intention or understanding that any part of such payment is to be used for any purpose other than that described by documents supporting the payment.

Any employee having information or knowledge of any unrecorded fund or asset or any act prohibited by the policy must promptly report the matter.

## **F007 – FINANCIAL REPORTS AND STATEMENTS**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

The financial records and accounts of the Board shall be kept by the President/CEO and shall be reported on forms prescribed by State Board of Education Rules. Financial records shall be maintained pursuant to accounting methods described in State Board of Education Rule 6A-1.001.

If such forms are not prescribed by State Board of Education Rules or Florida Statutes, a uniform system shall be established by the Board.

## **F008 – INVENTORIES**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

#### **INVENTORIES AND PROPERTY RECORDS**

The President/CEO shall maintain an adequate and accurate record of all tangible personal property of the Board. The record shall be consistent with all requirements of Florida Statutes and the Rules of the Auditor General. The President/CEO shall develop administrative procedures to implement this policy.

#### **PROPERTY ACQUISITION AND CONTROL**

Tangible personal property, as defined in Section 274, Florida Statutes, shall become Board property when purchased for use and shall be identified and accounted for as Board property.

#### **DISPOSAL OF TANGIBLE PERSONAL PROPERTY**

Tangible personal property, which is determined to be unsuitable for school purposes, may be declared surplus by the Board. Disposal of such surplus property shall be in the manner prescribed by Florida Statutes.

- The President/CEO shall recommend to the Board any tangible personal property, which is unsuitable for school purposes, for proper disposal.
- The proceeds from the sale of tangible personal property, which is included on the property inventory, shall be identified as revenue from the sale of equipment.

## F009 – AUDITS/FINANCIAL MONITORING

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

Periodic audits shall be made of the accounts and records of Florida Virtual School pursuant to Florida Statutes and State Board of Education Rules.

The Board shall contract with an independent auditor to perform the annual financial audit within the nine-month period immediately following the fiscal year.

- Selection of the auditor shall be pursuant to provisions in Section 11.45, Florida Statutes.
- The certified public accountant that coordinates the financial audit shall have completed 24 hours of in-service training in government or governmental auditing as approved by the Board of Accountancy within the last three years.
- At the conclusion of the audit field work, the preliminary findings shall be discussed with the Board Chairman and/or Board Audit Committee Chairman, and the President/CEO. The auditor's comments shall reflect items to be included in the final audit report.

### SPECIAL AUDITS

The President/CEO may request internal audits of any department without prior notification. Such audits will be conducted by and under the direction of the Office of Professional Standards whose responsibility includes audit.

## **F010 – REVENUES FROM INVESTMENTS**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

#### **INVESTMENT MANAGEMENT**

The statement of investment policy and guidelines applies to funds under control of the Board in excess of those required to meet short-term expenses. The investments of idle cash shall be through the Local Government Investment Pool administered by the State Board of Administration or other instrumentalities as authorized by law or Board Policy.

## **F012 – PROMOTIONAL ACTIVITIES AND COMMUNITY RELATIONS**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

Funds derived from auxiliary enterprises and undesignated gifts may be used for the purpose of promotion, public relations, and hospitality of business guests provided that such purpose will directly benefit or be in the best interest of the Board. Promotions and public relations activities may include, but are not limited to, activities involving visiting committees, orientations and work conferences, recruitment of employees, official meetings and receptions, business guests, guest speakers, accreditation studies, and other developmental activities, awards, or other types of recognition for meritorious performance.

Disbursements for any fiscal year for hospitality of business guests shall not exceed the amounts set out in State Board of Education rules.

Funds used for purposes described above shall be expended from the fund which generated the revenue.



## F013 – COMMUNICATIONS STIPENDS

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

The President/CEO is authorized to pay communication stipends to identified staff for phone and Internet access to meet the objectives of the organization in accordance with FLVS policy. Please refer to Policy PS002 for complete communication requirements and expectations. The stipend amount shall not exceed \$3,000.00 annually. The stipend may be differentiated based on the employee's job title and job duties as determined by the President/CEO. The President/CEO shall include the amounts needed for the stipends in the budget each fiscal year or may recommend elimination or reduction of stipends at any time.

### PROCEDURE:

Stipends are paid bi-weekly (FY 26 paychecks) based on annual amounts listed below or as approved by the President/CEO.

- Partial: Internet & Cell \$1,176.00/Fiscal Year
- Basic: Internet & Cell \$1,620.00/Fiscal Year \*
- Expanded: Internet & Smartphone \$2,100.00/Fiscal Year\*\*
- Instructional leaders, principals and assistant principals – Expanded
- Full-time instructors, mentors, subject matter expert (SME), school psychologist and school counselors – Basic\*
- Adjunct Instructors - Partial

Only instructional positions listed above qualify for the stipend. Non-instructional and other support positions do not qualify for communication stipends.

\*10-Month Contract Instructional employees will receive pro-rated amount

\*\*Instructional leaders, principals and assistant principals receive an initial one-time equipment upgrade stipend of \$150.00 for smartphones. If the employee is moved by the organization to a position that does not require a smartphone, Payroll will pay a stipend to the authorized employee for the incurred smartphone cancellation fee, plus or minus the final stipend eligibility. The department head or his/her designee will notify Payroll of the effective date of stipend termination. The employee will submit the final bill to Payroll for payment determination.

# F014 – ACCOUNTS RECEIVABLE COLLECTIONS

Policy Issue Date: 7/1/2018

Page 1 of 1

## POLICY:

The President/CEO is required to establish and implement collection efforts for all accounts receivables due to Florida Virtual School.

Collections touch points with clients consist of various communication types such as: email, phone calls, regular mail (USPS), and certified mail. The client touch points are based on the following schedule of past due accounts:

Client Type	Timing	Action	Communication Type
Florida Services & Global School/Services	30 – 150 days past due	Past Due Notices in 30 day intervals	Emails & Phone Calls
Florida Services & Global School/Services	180 days past due	Suspension Notice	Email & Certified mail
Global School/Services	210 days past due	Legal Letter	Email & Certified mail
Global School/Services	210 days past due & certified mail receipt rec'd	Forward delinquent account to Collections Agency	Certified mail

- The President/CEO is authorized to adjust the timing of the actions listed above on a case-by-case basis with consideration of circumstances on the account.
- Global School/Services delinquent accounts will be referred to a collections agency when FLVS obtains receipt that the suspension notice and legal letter have been received by the client. After six months of effort by the collections agency, if the Global School/Services account is still uncollected:
  - Delinquent account(s) will be written off as bad debt with the approval of the Board of Trustees. Write-off/bad debt requests shall be aggregated and presented in the form of an agenda item in the monthly board meeting.
  - Accounts written off as bad debt will be suspended from future FLVS services (unless reinstated).
- Florida Services delinquent accounts will be placed on suspension once they are 180 days past due. They will remain on suspension until collected, and if after six months of suspension the account is still uncollected:
  - On a case-by-case basis, account(s) will be written off as bad debt with the approval of the Board of Trustees. Write-off/bad debt requests shall be aggregated and presented in the form of an agenda item in the monthly board meeting.
  - Accounts written off as bad debt will be suspended from future FLVS services (unless reinstated).
- Global School/Services and Florida Services client accounts can be reinstated from suspension with approval by President/CEO or delegate and full payment received from client.

## **F015 – FEDERAL AWARD SUB-RECIPIENT MONITORING**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

The President/CEO is required to monitor the programmatic and financial activities of all sub-recipients of Florida Virtual School federal awards in order to ensure proper stewardship of funds and to ensure that sub-recipients comply with federal laws, regulations, and provisions of any agreements that govern the sub-award.

OMB Uniform Grant Guidance requires prime recipients of federal funds to monitor sub-awards and to ensure sub-recipients meet the audit requirements in OMB Uniform Grant Guidance and in accordance with applicable laws, regulations, and terms of the award. The sub-recipient monitoring policy applies to all sub-awards issued from federal sources.

## F016 – REVENUE AND FEES

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

The Florida Virtual School Board of Trustees requires that all revenue generated by Florida Virtual School be used in accordance with Florida law for the benefit of Florida Virtual School and its students. The Florida Virtual School Board of Trustees requires the following:

- All revenue generated by Florida Virtual School shall be accounted for in accordance with applicable law and accounting standards. A separate accounting shall be maintained for all legally restricted funding.
- The various types of revenue generated by Florida Virtual School shall be accounted for as required by State Board of Education rules and the manual titled “Financial and Program Cost Accounting for Florida Schools,” as well as applicable governmental accounting standards. All costs associated with Florida Virtual School enterprise operations (Business Development, Global School, and Franchises) shall be borne by those operations.
- The Florida Virtual School President/CEO shall be responsible for establishing and revising Florida Virtual School fees for services and products as appropriate based upon market conditions or other factors and is approved by the FLVS Board of Trustees. The Florida Virtual School annual budget shall include a budget by fund of the estimated annual revenues to be generated from all Florida Virtual School fees, as well as the related appropriations detailing the use of the funds by expenditure categories. A schedule of the established fees shall be included in the annual budget submitted to the Florida Virtual School Board of Trustees.
- All Florida Virtual School revenue shall be used in accordance with the budget adopted by the Florida Virtual School Board of Trustees.

## **F017 – FLORIDA VIRTUAL SCHOOL STRATEGIES AND PLANS**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

No later than June 1, of each calendar year, the President/CEO shall submit to the Florida Virtual School Board of Trustees for approval the proposed business strategies for Florida Virtual School for the fiscal year commencing on July 1 of that year.

## FA001 – SAFETY

Policy Issue Date: 7/1/2018

Page 1 of 2

### POLICY:

The Florida Virtual School President/CEO shall cooperate with the police department, the highway patrol, and the county sheriff's department in providing safe conditions for employees and students. It is the responsibility of all employees to strive to protect the physical welfare of all. The President/CEO shall initiate a school safety program in an effort to prevent accidents.

*Laws Implemented: Sections 230.23(6); 231.085; 231.09; 235.06, Florida Statutes*

### PROCEDURE:

#### POWER FAILURE

The building is designed to minimize the risk of a power failure resulting from causes, in the building. When power failures do occur, they are generally confined to specific areas and are typically associated with tripped breakers.

Power failures caused by malfunctioning utility company transformers, transfer switches, etc. generally affect some larger portion of the surrounding geographic area and usually result in a complete loss of power to the building.

If an electrical failure does occur, the following guidelines should be observed:

- Facilities manager or designee shall contact Highwoods' Customer Service at 407-849-2622.
- If you are instructed to evacuate, lock all areas.
- Do not congregate in lobby areas or in the street.
- Highwoods will attempt to advise FLVS contact regarding the length and cause of the power failure.

#### ELEVATOR MALFUNCTIONS

Statistically, elevators provide one of the safest modes of transportation. The specifications for elevator construction, installation, and operation are highly regulated. Safety devices, combined with regular inspections from regulatory agencies, further insure the safety of elevator travel. Even with these precautions, the increasingly sophisticated circuitry found on many modern elevators can result in a malfunction. When a malfunction occurs:

- Remain calm.
- Activate the elevator alarm and/or use the elevator telephone to request assistance.
- Do not attempt to force the elevator doors open.
- Do not attempt to evacuate the elevator when it is stuck between floors.
- Immediately upon receipt of the alarm signal and/or telephone call alerting Highwoods' personnel that an elevator malfunction has occurred, we will contact the elevator company and request an emergency response.

Working on elevators is specialized work. Occupants stranded in an elevator should only be removed by elevator service company personnel, fire department personnel, or specially trained building maintenance personnel.

Untrained personnel should never attempt to remove persons stranded in an elevator unless the situation is life threatening.

Highwoods will make every effort to communicate to the occupants of the elevator the status of the response effort. Immediately after an elevator malfunction, appropriate personnel will conduct a thorough investigation into the cause of the malfunction and make any repairs that may be needed prior to reactivating the elevator.

## FA003 – BUILDING SECURITY

Policy Issue Date: 7/1/2018

Page 1 of 5

### POLICY:

It is the duty of each school employee to safeguard and protect the properties of the school. Employees shall take care to ensure their area is secured before they leave the building at the close of the day. Incidents of illegal entry, theft of school property, vandalism, or damage to school property from other causes shall be reported to Facilities Management immediately.

*Laws Implemented: Sections 230.23(11); 231.001; 235.06, Florida Statutes*

### PROCEDURE:

In case of an emergency, such as theft, fire, or other incidents after normal business hours, Highwoods will notify FLVS facilities manager or his/her designee. This procedure will allow us to alert key personnel as soon as possible in case of any unforeseen circumstances.

### UNLOCKED BUILDING HOURS

Security is a high-priority requiring cooperation between FLVS and the property manager. During business days, Monday through Friday, entry doors are unlocked at 7 a.m. and the building is open to the public until 7 p.m.

### ACCESS DATAWATCH CARDS

Are issued by Facilities Management and activated by the Front Desk Receptionist following proper procedures.

### ACCESS DATAWATCH CARDS PROCEDURE

- All Datawatch Card requests are to be processed through the front desk reception in person.
- Front Desk Reception is to verify that the employee making the request is an active employee in Workday
- Front Desk Reception verifies that the employee in question does not currently have a Datawatch Badge
- If the Employee in question has a Datawatch card, the Front Desk Reception requests payment for a replacement card, and then issues a new card.
- If the Employee in question does not currently have a Datawatch card, the Front Desk Reception issues them a new card.
- If the Employee in question is not listed as active employee in Workday, Front Desk Reception is to notify Facilities Management immediately before taking any further action.

### KEYS

Keys may be obtained through FLVS Facilities office, with an approval by the direct line Manager authorizing approving access or assignment. It is the responsibility of the employee to maintain control of the key and if lost will pay for both the Locksmith charge of lock/tumbler change out, and duplication of the number of keys originally made for the access to the door. (Example: Key to office would be cost of locksmith plus five keys. Key to office holding multiple work spaces then would be locksmith fees plus 20 keys made. A master key lost would then require all keys to be reissued plus locksmith fee. This could be in excess of a thousand dollars).



### SPECIAL KEYING

All keys or key cards are keyed to a Building Master Key System. This key system is necessary so that the building staff has access to all areas in the event of an emergency. For this reason, locks may not be changed, or additional lock/bolts added to any door within your suite without prior consent of the Manager Records & Facilities.

### PUBLIC SOLICITATION

Solicitation or door-to-door sales is not permitted in the building. If this occurs, please call Highwoods' Customer Service immediately at 407-849-2622 and provide as much information as possible regarding the person. Since constant communication is maintained between the management office and the maintenance personnel, someone can be quickly dispatched to escort the individual off the premises.

### VENDOR/CONTRACTING ACCESS

There may be special instances when vendors or contractors need to perform work in your suite during non-business hours. In such instances, please complete and submit a Building Use Request form which can be obtained from the Manager Records and Facilities, to serve as written notification of required work. A brief description of the work to be done should also be included. Please note it is the customer's responsibility to arrange for the vendor's access to the building and suite. All vendors and deliveries are to use the service elevator and park their vehicles in the loading area located on the north side of the building. If a department has a vendor present a team member must accompany the vendor at all times to ensure safety and security is maintained.

### THEFT AND INSURANCE

Any suspected theft, no matter how small, should be reported to the Police at 911 and to Highwoods' Customer Service immediately. Police need to be kept informed of any thefts in the building to establish a pattern to the incidents and to effectively complete the investigation. **Highwoods' insurance does not cover the personal belongings of tenants. Personal property insurance is the responsibility of the individual employee.** To comply with the building's insurance requirements, an incident report is required for any incident occurring on or about the property. A Highwoods' representative will collect all necessary information and would appreciate your cooperation in answering any questions.

### BASIC SECURITY PRECAUTIONS

- Valuables, such as purses, should be locked up or taken along when an employee leaves a work station or desk.
- Require identification from repairmen working in your suite.
- Lock all suite doors at close of business day.
- When entering the building during non-business hours, do not allow anyone to have the individual elevator floor codes.
- Lock car doors.
- Remove expensive auto accessories and personal belongings from view.
- Unless necessary, do not leave cars in parking lot overnight, FLVS is not responsible for lost or stolen items outside our leased space.
- Inform the facilities manager of lost suite keys and terminated employees.

### LOST AND FOUND

If you may have lost something in the building or on the grounds, please contact Highwoods' Customer Service at 407-849-2622. In addition, if you find a lost item, please provide the item to the receptionist located in Suite 100 who will then call Highwood Customer Service, so the building maintenance technician can be notified to pick up the item. The receptionist will log a description of the item into the FLVS Lost and Found Log located at the front desk and will have the Highwood's building maintenance technician sign for the item upon pick up. Do not advertise the item through any messaging form as this may allow a fraudulent claim of the item by an individual.

### CRIME

Criminal activity and violence can assume almost any form; in fact, it is limited only by the imagination. Violence and crime most often invoke images of the stereotypical street thug or the professional criminal, but criminal activity is not so predictable. The U.S. Department of Labor has previously cited workplace violence as the number one cause of death for women at the workplace and the number two cause for men. Against such a versatile adversary, there is no security system or combination of systems that can guarantee your business will be crime free. Still, there are steps we can all take to help minimize opportunities for crime and workplace violence.

### *Minimizing Crime*

- **Ensure that all employees direct ingress and egress through the main reception area and maintain staff at the receptionist desk during all business hours.** Many thieves prey on the busy office environment, entering through a side entrance, moving unnoticed through the office, and making their exit with items taken from desktop and purses. In other cases, they proceed past an empty receptionist desk, steal from the first few offices, and leave totally unnoticed.
- **Keep valuables and confidential information in secure locations.** Confidential documents should be shredded prior to discarding. Imprint valuable equipment with an identification number or tag.
- **Managers must educate and train employees to report any suspicious activity.** Threats, regardless of the circumstances, should always be taken seriously. Similarly, company policies and procedures should clearly communicate the seriousness of violence or threatened violence and clearly state that such actions are grounds for immediate termination.
- **When downsizing or terminating employees, take reasonable precautions.** Any termination should be handled with sensitivity, but prior to allowing the employee to leave the office, you should be certain to retain all work-related keys, identification badges or cards, and any access cards. In some cases, you may wish to change keying systems and/or change security codes on any electronic entry devices. Notify the property manager that a termination has occurred, provide a description of the employee, and relay any concerns you may have regarding his/her state of mind, threats that may have been made, and your assessment regarding the potential for a reprisal.
- **Annually train managers to watch for warning signs.** Employees exhibiting wide mood swings, suspected of alcohol or drug abuse, or boasting about weapons or previous acts of violence should be noted.
- **Exercise good hiring practices.** Many companies, for example, now utilize drug-testing programs. Criminal background checks and reference checks with previous employers and educational institutions may provide further insight into an applicant's background and character.
- Ask co-workers or onsite security (if available) to accompany you to your vehicle when departing work after normal business hours.

### *A Crime Occurs*

1. Immediately report the crime to the police (911).
2. At the crime scene, keep yourself and your staff safe at all times.
3. Attempt to gain an accurate description of the assailant(s).

***After the Crime***

4. Do not disturb anything at the crime scene.
5. Keep everyone confined to the building until the police indicate it is safe to leave.
6. Notify Highwoods' Customer Service at 407-849-2622.
7. Do not reveal details of the crime to the media as this may impede the police investigation or encourage copycat crimes.

***Do not report details regarding any expensive stolen items to the media. This may alert other criminals to the value of your holdings and what will soon be replaced.***

**FLVS FRONT DESK COVERAGE:**

FLVS shall maintain a Receptionist that is available to the Public during our on-site posted office hours at our front desk. The Receptionist Position shall cover customer requests and concerns as well as other duties assigned to them. At the Receptionist's discretion in coordination and supervision of Manager, Record and Facilities, they shall have a 30-minute lunch break with a posted sign for customers that shall direct them to appropriate on-line or telephone options for their concerns, or they may wait until the return of the Receptionist. The Receptionist shall direct any security concerns to Manager, Record and Facilities, or in case of emergency, state and local authorities.

# FA004 – EMERGENCY PREPAREDNESS

Policy Issue Date: 7/1/2018

Page 1 of 12

## POLICY:

In the event of an emergency, disaster, or a storm is predicted to hit in or near this geographical area, the President/CEO, or designee, shall provide an emergency disaster plan for the school. This plan shall be submitted in writing to the Office of Professional Standards for review and to the Board for approval. Each approved plan shall be made available to all employees. The President/CEO shall plan and assign to staff members the responsibilities of the prompt and orderly evacuation of the buildings in accordance with State Board of Education Rule 6A-2.086.

*Laws Implemented: Sections 230.23(4)(f); 230.33(6)(f); 231.085; 235.02, Florida Statutes*

## PROCEDURE:

### EMERGENCY PHONE NUMBERS

For all emergencies, **please dial 911**.

In addition, please notify Highwoods as soon as possible at **407-849-2622** in the event of **any** emergency situation. This phone number is monitored 24-hours per day, 365 days a year.

### OTHER IMPORTANT PHONE NUMBERS

- City – Police Information Desk (Non-emergency): 407-246-2470
- City – Fire Information Desk (Non-emergency): 321-235-5200
- Federal Bureau of Investigation: 813-253-1000
- Florida Department of Law Enforcement: 407-245-0888
- Florida Highway Patrol: 407-737-2300
- Post Office: 407-294-4925 or 800-ASK-USPS
- Health Central Hospital: 407-296-1000
- Elevator Issues: 407-849-2622

### SAFETY COORDINATOR PROGRAM

With the guidance of the Fire Department and working within the framework of the building's emergency procedures, FLVS and Highwood have developed a Safety Coordinator Program. The Safety Program relies heavily on individual safety coordinators to assist in carrying out prevention and evacuation procedures in emergency situations. In addition, safety coordinators are responsible for the development and implementation of the company's Fire Safety Program.

The Safety Coordinator Program should include:

- Development of evacuation plans
- Training of employees in emergency procedures
- Training of employees in the proper use of fire extinguishers

Manager Records & Facilities will appoint a safety coordinator for assigned areas. Safety coordinators should be persons capable of calm, strong leadership, which is critical in preventing panic and carrying out evacuation in a timely manner. Because of the nature of the safety coordinator position, we request this be filled with an employee who does not travel extensively for business. One alternate should be selected for each safety coordinator. To view a list of safety coordinators, please contact the Asset/Documentation Specialist.

In the event of a fire or other emergency, this individual is in charge until the management team or Fire Department arrives. If evacuation is ordered, this individual will initiate the orderly movement of employees out of the building in accordance with established evacuation procedures. Special instructions will be contained in the safety coordinator folder.

### GENERAL SAFETY RULES AND REGULATIONS

This section is designed to provide general information, guidelines, and recommendations to help our employees prepare for emergency and disaster situations. It is not intended to be a substitute or replacement for our disaster plan. Our emergency action plan takes into account such factors as the nature of our business operations, office layout, employee count, and employee disabilities.

There are, however, certain common features to the emergency plan. Most importantly:

- **Do Not Panic:** In some situations, panic may pose a greater threat to your safety than the emergency itself.
- **Never Assume an Alarm Signal is False:** In some cases, alarms may turn out to be false, but you and your employees should never make that assumption. If there is a real emergency, time is of the essence. In every instance, we will attempt to determine the cause of the alarm as soon as possible and allow everyone to return to the building once we confirm it is safe to do so.

### EMERGENCY PLANS

In the event of an emergency situation, the most important step to securing your safety, and the safety of your employees, is emergency planning and preparation. The Disaster Plan includes:

1. Designated evacuation routes which will best promote an evacuation that is both quick and safe. Remember: **DO NOT USE THE ELEVATORS**. Safety coordinators and alternates will familiarize themselves with building evacuation routes and clearly communicate this information to all employees.
2. When exiting the building on the Northside proceed to the grass area beyond the parking lot. When exiting the building to the Southside of the building move through the parking lot to the grass area. If exiting the building from the main lobby area either East or West side of the building, turn either left or right and proceed to the grassy area away from the parking lot. Do not cross the street as there will be no road guards, and this will allow emergency vehicles to enter the property without delay. Do not remain in the parking lot and do not leave the area until directed to by a manager, so we may take head count.
3. Provide for a review of all personnel present at the designated meeting location and require the immediate notification of emergency personnel if it is believed personnel may still be in the building.
4. If there are handicapped persons within your office, be prepared to assist them to the safest possible location.

If you are unable to get them completely out of the building, notify emergency personnel immediately upon their arrival. Safety coordinators and alternates should be aware of the presence of handicapped persons and alternative evacuation routes which will make egress as quick and safe as possible.

### FIRE DRILLS

In accordance with state and local code requirements, we will conduct an annual fire alarm drill. It is a valuable opportunity to test and improve our emergency preparedness. All drills will be coordinated by Highwoods.

### FIRE

#### ***In the Event of a Fire:***

Activate the building fire alarm system. When a pull station is manually pulled, an alarm will sound to signal the evacuation of the building. In many cases, the alarm will sound automatically due to the activation of a smoke detector or sprinkler head. This will initiate the evacuation of the building in accordance with evacuation procedures.

#### ***Call 911:***

Do not assume that you or others will be capable of containing the fire.

Practice fire safety procedures during the evacuation. When the alarm sounds, discontinue your current task and immediately evacuate the building. Keep in mind:

- **DO NOT USE THE ELEVATORS.**
- If smoke is present, maintain contact with a wall.
- Stay low; smoke rises, and clean air is nearest to the floor.
- Use handrails while descending stairs.
- Walk calmly; never panic or shove others.
- Remove high-heeled or awkward shoes.
- Before opening doors, test them to see if they are hot to the touch. If not, open the door slowly and be prepared to close it quickly if fire or smoke should enter.
- Close doors behind you as you evacuate. Do not lock them. This will help confine the fire.
- If your clothing should catch fire, STOP, DROP, AND ROLL!

### ***Should you become trapped by the fire:***

- Attempt to locate a room with an exterior window and stay there until help arrives. Place as much distance as possible between you and the fire.
- Use the telephone to alert emergency personnel to your location.
- If possible, open the window slightly. If available, hang something from the window to provide an additional aid for emergency personnel to pinpoint your location.
- Keep smoke out of the room by sealing cracks around doors.

### **ONCE YOU ARE OUTSIDE OF THE BUILDING**

- Move to the designated meeting area for your office.
- Do not interfere with the efforts of emergency crews.
- Do not attempt to return to the building until fire personnel indicate it is safe to do so.



### FIRE PREPARATION

- Safety coordinators and alternates within each suite should make certain employees are familiar with all emergency procedures, including the location of fire alarm pull stations, fire extinguishers, and emergency exits.
- Participation in fire evacuation drills should be encouraged and utilized as a tool to improve emergency procedures.
- All evacuation routes should be free of obstructions at all times.

### FIRE EXTINGUISHERS

In some situations, it may be possible to contain a small fire with fire extinguishers or it may be necessary to utilize an extinguisher to make a safe exit from the building. For this reason, employees should be familiar with the locations of fire extinguishers and their operation. Do not attempt to extinguish a fire unless you feel it is safe to do and always be certain to maintain an avenue for escape in the event the fire becomes unmanageable. Do not place yourself at risk.

Fire extinguishers may be activated by:

- Pulling the pin from the handle of the extinguisher.
- Squeezing the handle of the extinguisher.
- Once the extinguisher is activated, aim the extinguisher chemical at the base of the flame and sweep back and forth until the flame is extinguished.

Highwoods provides and maintains fire extinguishers throughout common areas of the building. FLVS is responsible for inspecting and maintaining fire extinguishers inside our leased space. In general, a fire extinguisher is needed for every 3,000 square feet of leased space, or if the direct travel distance to an extinguisher is longer than 75 feet, or if appliances are used in heating or cooking food. The fire marshal may also specify the quantity and location of fire extinguishers needed during periodic inspections. Fire extinguishers need to be inspected and tested on an annual basis. The due date for these inspections is documented on the tag that is attached to the extinguisher when placed inside the space. Most companies that provide fire extinguishers also inspect them for a fee.

In addition to the annual inspection, fire extinguishers also need to be examined on a monthly basis. This three-point inspection is very simple.

1. Make sure the extinguisher is mounted where it is visible, easy to locate, and unobstructed.
2. Check to see that the extinguisher is fully charged and visually inspect the canister, hose, and nozzle for damage.
3. Verify the locking pin is in place.

After this simple check is complete, the inspection tag needs to be initialed and dated on the back.

### FIRE PREVENTION

Even more important than your reaction to a fire, are your efforts to prevent a fire from occurring. A few precautions are:

- Assign personnel to insure that all office appliances are turned OFF at the end of the day.
- Be alert for odors, sparks, or flashes from electrical appliances. Any appliance suspected of malfunctioning should be turned off immediately and inspected prior to reactivation.
- Do not overload wall circuits. If a circuit breaker trips, it may be necessary to install an additional circuit. Contact Highwoods' Customer Service.
- The terms of our lease may restrict the use and storage of flammable materials. In the event flammable materials are allowed to be used or stored in the premises, there should be strict adherence to the manufacturer's recommendations and compliance with all local, state, and federal regulations regarding use, storage, and labeling.
- Excess trash should be promptly discarded. If you need assistance, contact Highwoods' Customer Service.
- In many cases, smoking within multi-tenant buildings will be regulated by local smoking ordinances. In every case, smokers should utilize designated smoking areas only and exercise caution to thoroughly and properly extinguish all cigarettes.
- Space heaters should not be used within the building. Contact Highwoods' Customer Service if you experience problems with the temperature in your space.
- Many states and municipalities prohibit the use of live Christmas trees within commercial properties.

Exits and exit routes should remain clear of obstructions at all times.

### MEDICAL EMERGENCIES

No business, regardless of location, is immune from the risk of medical emergencies. When a medical emergency occurs, it is important to act quickly and effectively. Having first aid kits readily available and personnel with medical training, such as CPR and first aid procedures, can make the difference between life and death. Regardless of the depth of your medical knowledge, there are certain basic procedures that should be followed during any medical emergency.

1. **Contact emergency personnel (911) immediately.** Be prepared to provide the following information:
  - » The exact location of the medical emergency
  - » Your name, company name, floor, and suite number
  - » Telephone number where you are calling from
  - » Description of the medical emergency and the person’s current condition
  - » Number of people involved
  - » What medical treatment, if any, is currently being provided
2. Do not attempt to move an injured or ill person unless the victim’s life is endangered.
3. Check the victim for life-threatening conditions and administer basic first aid. Otherwise, try to keep the injured party comfortable until trained medical personnel arrive.
4. Avoid contact with bodily fluids when possible. If contact is unavoidable:
  - » Wear disposable gloves or other protective material.
  - » While providing care, keep your hands away from your mouth, eyes, and nose.
  - » Wash your hands with soap and water immediately after providing care.

After calling 911, contact Highwoods’ Customer Service at 407-849-2622. Upon notification, Highwoods’ Customer Service will alert the maintenance technician who will:

- Bring an elevator to the lobby.
- Meet the emergency crew and direct them to the appropriate area.

### BOMB THREAT

In most cases, bomb threats are intended to disrupt business operations. Despite this fact, all bomb threats should be taken seriously. It is important to obtain as much information as possible, accurately relay this information to both the police and building management, and implement a cautious, systematic response plan.

All bomb threats should be reported to:

- Law Enforcement Authorities – 911
- Highwoods – 407-849-2622

It is Highwoods' policy to cooperate fully with law enforcement and fire department personnel. If the police or fire departments recommend the evacuation of the building or portions of the building, this information will be relayed to tenants immediately. In many cases, law enforcement and fire department personnel will not offer recommendations on whether or not to evacuate the premises. In those cases, each tenant must evaluate the available information and form his/her own decision to evacuate or not evacuate the building. Highwoods' personnel will relay all available information regarding the threat to each tenant, but *Highwoods' personnel will not offer any recommendations to evacuate or not evacuate unless instructed to do so by authorized law enforcement or fire department personnel.*

According to *Bomb and Physical Security Planning*, a publication by the Bureau of Alcohol, Tobacco and Firearms, there are three possible responses to a bomb threat:

1. Ignore the threat
2. Evacuate immediately
3. Search and evacuate if warranted

Ignoring the threat poses obvious risks. While statistical evidence confirms that most bomb threats are not real, there have also been instances where bombs were found in response to a threat. Ignoring the threat may also unintentionally convey a message to employees that their safety is not a primary concern.

Evacuating immediately based on every bomb threat also carries certain risks. The disruptive effect on your operations is obvious. According to the ATF publication, "If the bomb threat caller knows that your policy is to evacuate each time a call is made, he or she can continually call and force your business to a standstill." In addition, a bomber intent on causing physical injury could place a bomb near an exit route and then call in the threat.

Many businesses opt for option three, a search of the premises and the evacuation of the building if a suspicious package or device is found.

Regardless of the response option selected by your company, it is important to have an established plan of action in the event a bomb threat is received. As with all emergency situations, preparation is the key.

Highwoods will make every effort to keep all tenants fully informed about the bomb threat and the status of the response effort. Unnecessary discussion of the bomb threat should be avoided to help minimize the risk of copycat bomb threats.

BOMB THREAT CHECKLIST

# BOMB THREAT CALL PROCEDURES

Most bomb threats are received by phone. Bomb threats are serious until proven otherwise. Act quickly, but remain calm and obtain information with the checklist on the reverse of this card.

**If a bomb threat is received by phone:**

1. Remain calm. Keep the caller on the line for as long as possible. **DO NOT HANG UP**, even if the caller does.
2. Listen carefully. Be polite and show interest.
3. Try to keep the caller talking to learn more information.
4. If possible, write a note to a colleague to call the authorities or, as soon as the caller hangs up, immediately notify them yourself.
5. If your phone has a display, copy the number and/or letters on the window display.
6. Complete the Bomb Threat Checklist (reverse side) immediately. Write down as much detail as you can remember. Try to get exact words.
7. Immediately upon termination of the call, do not hang up, but from a different phone, contact FPS immediately with information and await instructions.

**If a bomb threat is received by handwritten note:**

- Call \_\_\_\_\_
- Handle note as minimally as possible

**If a bomb threat is received by email:**

- Call \_\_\_\_\_
- Do not delete the message

**Signs of a suspicious package:**

- No return address
- Excessive postage
- Stains
- Strange odor
- Strange sounds
- Unexpected delivery
- Poorly handwritten
- Misspelled words
- Incorrect titles
- Foreign postage
- Restrictive notes

**DO NOT:**

- Use two-way radios or cellular phone; radio signals have the potential to detonate a bomb.
- Evacuate the building until police arrive and evaluate the threat.
- Activate the fire alarm.
- Touch or move a suspicious package.

**WHO TO CONTACT (select one)**

- Follow your local guidelines
- Federal Protective Service (FPS) Police  
1-877-4-FPS-411 (1-877-437-7411)
- 911

# BOMB THREAT CHECKLIST

**Date:**  **Time:**

**Time Caller Hung Up:**  **Phone Number Where Call Received:**

## Ask Caller:

- Where is the bomb located?  
(Building, Floor, Room, etc.) \_\_\_\_\_
- When will it go off? \_\_\_\_\_
- What does it look like? \_\_\_\_\_
- What kind of bomb is it? \_\_\_\_\_
- What will make it explode? \_\_\_\_\_
- Did you place the bomb? Yes No \_\_\_\_\_
- Why? \_\_\_\_\_
- What is your name? \_\_\_\_\_

## Exact Words of Threat:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Information About Caller:

- Where is the caller located? (Background and level of noise) \_\_\_\_\_
- Estimated age: \_\_\_\_\_
- Is voice familiar? If so, who does it sound like? \_\_\_\_\_
- Other points: \_\_\_\_\_

Caller's Voice	Background Sounds:	Threat Language:
<input type="checkbox"/> Accent	<input type="checkbox"/> Animal Noises	<input type="checkbox"/> Incoherent
<input type="checkbox"/> Angry	<input type="checkbox"/> House Noises	<input type="checkbox"/> Message read
<input type="checkbox"/> Calm	<input type="checkbox"/> Kitchen Noises	<input type="checkbox"/> Taped
<input type="checkbox"/> Clearing throat	<input type="checkbox"/> Street Noises	<input type="checkbox"/> Irrational
<input type="checkbox"/> Coughing	<input type="checkbox"/> Booth	<input type="checkbox"/> Profane
<input type="checkbox"/> Cracking voice	<input type="checkbox"/> PA system	<input type="checkbox"/> Well-spoken
<input type="checkbox"/> Crying	<input type="checkbox"/> Conversation	
<input type="checkbox"/> Deep	<input type="checkbox"/> Music	
<input type="checkbox"/> Deep breathing	<input type="checkbox"/> Motor	
<input type="checkbox"/> Disguised	<input type="checkbox"/> Clear	
<input type="checkbox"/> Distinct	<input type="checkbox"/> Static	_____
<input type="checkbox"/> Excited	<input type="checkbox"/> Office machinery	_____
<input type="checkbox"/> <b>Female</b>	<input type="checkbox"/> Factory machinery	_____
<input type="checkbox"/> Laughter	<input type="checkbox"/> Local	
<input type="checkbox"/> Lisp	<input type="checkbox"/> Long distance	_____
<input type="checkbox"/> Loud		
<input type="checkbox"/> <b>Male</b>		
<input type="checkbox"/> Nasal		
<input type="checkbox"/> Normal		
<input type="checkbox"/> Ragged		
<input type="checkbox"/> Rapid		
<input type="checkbox"/> Raspy		
<input type="checkbox"/> Slow		
<input type="checkbox"/> Slurred		
<input type="checkbox"/> Soft		
<input type="checkbox"/> Stutter		

**Other Information:** \_\_\_\_\_



## HURRICANES

Hurricanes are the most powerful natural force on earth. Often spawned in the warm tropical areas of the ocean, hurricanes can travel hundreds of miles and survive for 30 days or more. These powerful storms can produce significant rainfall, thunderstorms, tornadoes, dangerous winds, and powerful storm surges. The ocean storm surge, which can reach 25 feet or higher, contains enormous destructive power with the potential to destroy buildings and bridges and cause severe flooding. It is the effects of the storm surge which account for most hurricane related deaths.

Hurricanes begin as tropical storms and graduate to hurricane status when they develop a sustained wind speed of 74 mph. The Saffir-Simpson scale is used to categorize hurricanes:

Category	Wind (speed)	Storm Surge (ft.)	Damage
5	155+	18+	Catastrophic
4	131-155	13-18	Extreme
3	111-130	9-12,	Extensive
2	96-110	6-8	Moderate
1	74-95	4-5	Minimal

Hurricane season extends from May to November, with the majority occurring during the month of September. Weather satellites and sophisticated tracking systems have greatly enhanced the National Weather Service’s ability to identify, track, and predict the path of these great storms.

There are four types of hurricane related warnings:

1. **Tropical Storm Watch:** Issued when tropical storm conditions are expected within 36 hours.
2. **Tropical Storm Warning:** Issued when tropical storm conditions are expected within 24 hours.
3. **Hurricane Watch:** Issued when hurricane conditions are expected within 36 hours. Residents in the watch area should begin storm preparations and be prepared to take immediate action in the event a hurricane warning is issued.
4. **Hurricane Warning:** Issued when hurricane conditions are expected within 24 hours. By this time, preparations for the storm’s arrival should be complete and evacuations should commence as directed by local authorities.

### HURRICANE PREPARATIONS

Highwoods' personnel will inspect each building for hurricane preparedness. FLVS has our own Emergency Plans documented which will be followed in accordance with our policy and procedures. Ideally, contingency plans for hurricanes already exist and await implementation. Included in our basic preparation are the following:

- Issuance of notice to all employees that a hurricane may be approaching.
- Established means of communication with employees after the storm when phone service and travel may be restricted. This may involve the use of public service announcements by television and/or radio stations to communicate business closings and dates/times for resuming operations.
- Monitor television and radio broadcasts for updates regarding the storm's position and to stay abreast of any warnings or watches that may be issued. It is always wise to have a battery-powered radio available.
- Comply with evacuation instructions issued by local authorities.
- Avoid using the phone except for emergencies. Emergency personnel will require priority for phone line use.

### DURING THE STORM

- Monitor television and radio broadcasts for updates regarding the storm's position and to stay abreast of any warnings or watches that may be issued.
- Follow any additional evacuation instructions that may be issued by local officials.
- Stay away from windows and doors, even if they are covered.
- Take shelter in an interior room where structural supports are strongest.

### AFTER THE STORM

- Beware of downed power lines, broken glass, and debris.
- Do not light matches or turn on electrical appliances until you are sure it is safe to do so.
- Inspect all electrical connections and shut off any that may have been damaged by the storm.
- If you smell gas at your office, evacuate everyone immediately and call 911.
- Report utility outages to Highwoods' Customer Service, 407-849-2622.
- Continue to monitor radio or television broadcasts for additional instructions.
- Make temporary repairs to improve safety and prevent further damage.
- Contact your insurance carrier to report property damage.

### THUNDERSTORMS

Severe thunderstorms have the potential to produce damaging winds, lightning, hail, and at the worst, tornadoes. Wind gusts and sudden downdrafts within severe thunderstorms can be strong enough to cause significant wind damage. East of the Mississippi, the greatest number of thunderstorms occur during the month of July when surface heat and atmospheric moisture is at its peak. Most of these storms develop during the late-afternoon or evening hours, when the atmosphere is most destabilized, and the heat is at its maximum.

## TORNADOES

A tornado's powerfully concentrated winds can uproot trees, damage buildings, and turn small harmless objects into deadly projectiles. The path of destruction may be more than one mile wide and may extend for 50 or more miles in length. Like hurricanes, researchers use a scale, known as the Fujita-Pearson Tornado Intensity Scale to rate the strength.

A tornado is particularly threatening because there is often little warning of its approach. The activation of Doppler radar in certain areas provides weather services with an additional tool for detecting the possible existence of a tornado and the opportunity to issue a warning before the tornadoes actually approach.

The National Weather Service monitors weather activity and issues alerts as follows:

1. **Severe Thunderstorm Watch:** Meteorological conditions exist that may promote the generation of severe thunderstorms.
2. **Severe Thunderstorm Warning:** Severe thunderstorms are confirmed to be present in the area.
3. **Tornado Watch:** Meteorological conditions exist that may promote the generation of tornadoes. When a warning has been issued:
  - Immediately seek shelter in an interior section of the building. In many commercial buildings, this may be a main corridor.
  - Stay away from windows, doors, and outside walls. Avoid lobby areas of the building.
  - If you are caught in a perimeter office, seek shelter under a desk or table.
  - Do not use the elevators.
- If you are outside and unable to reach shelter, lie in the nearest ditch or culvert and shield your head with your hands.



## **FA005 – MAINTENANCE AND REPAIRS**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

The President/CEO or designee shall report to the property manager any needed repairs to any buildings, equipment, or the grounds. Failure to make timely repairs after reporting shall be reported to the Office of Professional Standards.

### **PRODECURE:**

- FLVS Employees are to notify Front Desk Receptionist of any Facilities issues
- Front Desk Receptionist is to submit a help ticket to Property Management.
- Front Desk Receptionist to notify Facilities Management of any pressing concerns or emergency after contacting Property Management.

*Laws Implemented: Section 230.23(9) Florida Statute*

## FA006 – ACCESS CONTROL CARDS AND KEY CONTROL

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

All access badges and keys used in the school shall be the responsibility of President/CEO or his/her appointed designee. Requests for permanent issuance of badges/keys shall be made only in those instances where the employee regularly needs access in order to carry out normal activities necessitated by the position he/she holds. When need for a particular badge/key is of a temporary nature, a badge/key shall be issued on that basis and shall be returned immediately following termination of the need for its use. Badges/Keys shall be used only by authorized employees and shall never be loaned to others. Master and sub-master badges/keys shall never be loaned. Employees must report lost badges/keys to Facilities Management immediately in order to not compromise security. Badges will be deactivated, and locks changed as soon as possible. The employee will be held responsible for all costs incurred to replace badges/keys. Any neglect or misuse of badges/keys will be directed to Professional Standards, which could result in disciplinary action, up to and including termination of employment.

*Laws Implemented: Section 231.001, Florida Statutes*

### PROCEDURE:

Individual Employees will notify Facilities Management via the Front Desk Receptionist of any need for DATAWATCH access badges and keys per FA003. It is the responsibility of Talent Management to ensure that all employees meet the clearance level required under the Jessica Lunsford Act. Cards will be maintained by Facilities Management and activated by the Front Desk Receptionist.

It is the responsibility of every Department to inform Facilities Management via the Front Desk Receptionist of any vendors/contractors which require access to the VLC. All vendors/contractors must be cleared in accordance with the level two clearance required by Florida Statute. Failure to obtain this clearance will result in non-issuance of badges/keys. Clearance must be sent to Facilities Management via the Front Desk Receptionist prior to access being granted.

Temporary badges will not be used, due to the cost of both the badge and the administrative time it takes to set the badges up. If an employee forgets his/her badge he/she will need to be let in to the work area by a member of his/her respective team, only after the team member receives approval from his/her manager. This will prevent an individual who may have been terminated to access the area.

## FA007 – USE OF FACILITIES

Policy Issue Date: 7/1/2018

Page 1 of 2

### POLICY:

The building administrator may approve the use of the Board of Trustees' property, facilities, and equipment (collectively, "Property") for any third party as provided herein. The use of Board of Trustees' Property shall not interfere with the educational program of the district or school. The building administrator shall be responsible for safeguarding the Board of Trustees' Property, enforcing and informing applicable third parties and groups of Board of Trustees' rules, executing proper forms, and collecting payments.

1. Non-discriminatory Access.

- a. The Board of Trustees and any third parties contracting with the Board of Trustees for the use of Board of Trustees' Property shall provide that every child be given an equal opportunity, without discrimination, to participate in all non-academic and extracurricular activities offered by the district, for which a child is otherwise qualified.

2. Use of Facilities without Rental Charge.

Upon approval of the building administrator, Board of Trustees' facilities shall be made available without rental charge to any governmental agency utilizing a school or district facility for a public meeting.

Charges for supervision, utilities, clean up, or equipment use may be required.

3. Use of Facilities with a Rental Charge.

The building administrator may permit the use of Board of Trustees' facilities by a civic, religious, business, or community organization for non-school activities on a specific, temporary, or short-term basis. The following conditions shall apply:

- a. The payment of the fee shall be in accordance with a schedule approved by the President/CEO and in keeping with current commercial rates.
- b. Sufficient supervision and adequate custodial service of the school facility shall be determined by the building administrator.
- c. Certificate of Insurance Requirement. Any organization that uses FLVS facilities must provide proof of General Liability insurance that is at least \$1 million per occurrence and \$2 million general aggregate. FLVS must be added as the additional insured.
- d. Payment for rental, utilities, and equipment use shall be made directly to the school district by the organization. The amount of the rental fee shall be credited to the school's Facilities budget.

## FA007 – USE OF FACILITIES

Page 2 of 2

4. Liability and Insurance Coverage. Each organization utilizing Board of Trustees' facilities shall adhere to the following.
  - a. Agree to hold the Board of Trustees harmless (to the extent allowable by law) from any liability which may accrue to the Board of Trustees as a result of use.
  - b. Provide proof of public liability insurance coverage in the amount set forth in the Facility Lease Agreement.
  - c. Governmental agencies shall provide a statement of self-insurance in lieu of liability insurance.
5. Prohibited Uses of Board of Trustees' Facilities. School property, facilities, and equipment shall not be used for the following purposes.
  - a. Programs involving any form of gambling or other illegal activity.
  - b. Private tutoring for which a teacher receives a fee.
  - c. Programs in violation of Florida Statutes or Board of Trustees' rules.
6. Persons who feel their organizations were improperly denied use of Board of Trustees' facilities or were assessed an improper charge or fee may file a written appeal with the building administrator for resolution.
7. The building administrator shall evaluate the fairness and effectiveness of these procedures as needed.

### SPECIFIC AUTHORITY

Sections 1001.42; 1001.43; 1001.51; 1001.33; 1012.28; 1001.54; 1013.10; 509.032; 509.232 Florida Statutes

## FA008 – USE OF SCHOOL FACILITIES FOR POLITICAL ACTIVITY

Policy Issue Date: 7/1/2018

Page 1 of 2

### POLICY:

1. The following definitions shall apply to the policy related to the use of school facilities for political activity.
  - a. Political activity shall include any and all efforts of individuals, individually or in concert with others, done for the purpose of supporting or opposing any candidate, party, or issue in an election or done to affect the results of that election.
  - b. Facilities shall mean any building, grounds or vehicles owned, operated, controlled or maintained by the Board of Trustees.
  - c. Political events shall include any and all meetings, fundraisers, gatherings, or other such events organized or conducted for the purpose of supporting or opposing any candidate for public office, any issue which is or may be scheduled to appear on a ballot, or any political party or organization.
2. No political events shall be conducted at or in school facilities at any time except that political forums to which the general public is invited to meet and hear all candidates in a particular race or races, or to meet and hear representatives of both sides of an issue appearing on a ballot may be held under the following conditions:
  - a. Sponsorship shall be by an organization having an official affiliation with the school or school district.
  - b. An invitation, in writing, shall be extended to all announced candidates for the specific office or offices or representatives for or against each issue.
  - c. The presentation by each participant shall be limited to the same amount of time.
  - d. Distribution of campaign materials shall be confined to the immediate area in which the forum is being conducted.
  - e. No preferential treatment shall be afforded any candidate or representative of an issue in any way.
3. The following forms of political activity shall be prohibited at all times on school property unless otherwise permitted by policy.
  - a. Distribution of campaign material, including cards, brochures, and other materials defined by law as political advertising to students or employee.
  - b. Placement of political signs in the building or elsewhere on Board of Trustees' Property. It is permissible to allow advertising on items of clothing, bumper stickers, sunshades, or other signs affixed to a private vehicle that is legal for roadway traffic.
  - c. Personal appearances of candidates or advocates/opponents of an issue before student groups, unless part of an approved course of study and presented in a responsible manner, and unless equal opportunity is afforded to all candidates in a particular race and representatives of both sides of an issue.

## FA008 – USE OF SCHOOL FACILITIES FOR POLITICAL ACTIVITY

Page 2 of 2

4. This policy shall not be interpreted to prohibit the distribution or use of newspapers, magazines, or programs for school-sponsored activities that contain paid political advertising, where the distribution or use of such items is for purposes that are non-political in nature. Neither shall anything contained in this policy be interpreted to prohibit distribution of any political materials that are to be used as a part of an approved course of study.
5. School facilities may be utilized by any official or employee for the performance of duties that are related to any issue that is placed on a ballot by or at the request of the Board of Trustees.

### SPECIFIC AUTHORITY

Sections 104.31; 1001.42; 1001.43, Florida Statutes

# FA009 – TOBACCO-FREE SCHOOLS AND FACILITIES

Policy Issue Date: 7/1/2018

Page 1 of 1

## POLICY:

*Florida Virtual School Board (“Board”) shall provide a tobacco-free environment for all staff, faculty school volunteers, contracted vendors and school visitors, including students who may visit the Virtual Learning Center (VLC) on its property.*

## TOBACCO DEFINED

*For purposes of this policy, “tobacco” shall mean any lighted or unlighted cigarette, cigar, pipe, cheroots, stogies, periques, bidi, clove cigarette, electronic cigarette, cigarillo, hookah, plug cut, crimp cut, ready rubbed, any other smoking product, and any smokeless or spitless tobacco also known as dip, chew, snuff, snuff flour, Cavendish, snus, orbs, strips, sticks, or cigarette in any form.*

## PROHIBITED USES

*All uses of tobacco shall be prohibited anywhere on any facility owned, leased, or contracted for by the Board. All uses of tobacco are prohibited from Board owned or leased vehicles.*

## EFFECTIVE TIME AND DATE

*This policy is effective 24 hours a day, 365 days per year and applies to all persons.*

## DESIGNATED AREAS

*At the Virtual Learning Center, located at 2145 Metrocenter Blvd, Berkshire Building, our property managers have designated the North side of the building under the covered bench area as a designated smoking area for employees. No smoking is authorized except in this area. Walking or standing around the perimeter of the building while smoking is also prohibited.*

## FAILURE TO COMPLY

*Noncompliance with this policy will result in disciplinary or other action taken against the violator by Florida Virtual School (FLVS) administration in compliance with Board policies, procedures, regulations, and applicable law.*

## LAWS IMPLEMENTED:

Sections 386.202, 386.204, 386.209, 1001.41, 1001.42 and 1001.43, Florida Statutes and 20 U.S.C. Section 7181 (2001).

# FA010 – MAIL AND DELIVERY SERVICES

Policy Issue Date: 7/1/2018

Page 1 of 2

## POLICY:

### MAIL AND DELIVERY SERVICES

A mail service system shall be maintained to deliver in-house communications and communications from outside sources to the intended recipient in the most practicable way.

The use of Florida Virtual School mail facilities and personnel for the distribution of materials and communications shall be restricted to those materials and communications which are in direct support of Florida Virtual School only.

Outside agencies shall be prohibited from using the courier system except for those having a direct contractual agreement with Florida Virtual School to provide services or for those recognized by Manager Records & Facilities as being in an official support relationship.

Hours of Operations for the collection and distribution of mail and delivery services will be provided to all FLVS employees by standard operational procedures and posted by the Mail Room door located on the 2nd floor of the VLC.

The inter-office mail delivery system is not responsible for the reliability or performance of the U.S. Postal Service, private couriers, United Parcel Service, or any other outside agencies, in the delivery of any mail, correspondence, packages. Note: For Vendors, it is the vendor's responsibility to ensure their bid is received in the purchasing department by the deadline specified in the Invitation to Bid.

## PROCEDURE:

### Outgoing Packages:

- Individual Employees are responsible for preparing any shipments they wish to have sent out.
- Packages are to be delivered to the designated pick up areas of the VLC by the individual employee.
- UPS and FedEx packages require a Request To Ship form filled out and taped to the package and placed in the designated pick-up areas at the VLC.
- USPS Postal Mail needs to be fully addressed and sealed with departmental account strip attached.
- In the case of a request for an electronic label and no physical package is required, the Request To Ship forms need to be filled out and may be faxed to a dedicated fax line provided by the Postal Clerk for processing before noon.
- Both "How to Mail a Package" and "How to send a certified letter" links are available here. (Click to view) [RequestToShipKnowHow2.docx](#) and [e-certifyformletter.docx](#)
- Time of daily outgoing UPS, FedEx, or USPS postal pickup by the Postal Clerk is 12:00 PM at the designated pick up areas at the VLC.
- All Outgoing packages are processed by noon daily. Outgoing packages prepared after noon will be processed on the next day.
- Emergency situations may arise, and the Postal Clerk should be contacted for emergency late ship-outs. If the pick-up has been missed, the Postal Clerk can advise you to your next steps.



Incoming Packages:

- All Incoming USPS deliveries are processed at noon daily and distributed to departmental locked mail boxes at the VLC.
- It is the responsibility of the individual departments to check incoming mail daily. Facilities Management is not responsible for any delay in USPS mail that has been delivered to the departmental mail boxes.
- Incoming UPS and FedEx packages are received by the Front Desk Reception and picked up for processing by the Postal Clerk. No Incoming packages may be picked up at the Front Desk Reception, as the Postal Clerk must pick-up, log in, and record each delivery that comes to the VLC.

The Postal Clerk will deliver individual packages to their designated drop off areas. Any Assets that arrive via UPS, FedEx, or USPS will be delivered to the Inventory Warehouse for logging and processing.

LAW IMPLEMENTED: Section 1001.41(1), Florida Statutes

# FA011 – DISPOSING OF SURPLUS, OBSOLETE, AND UNUSABLE TEXTBOOKS, AND INSTRUCTIONAL MATERIALS

Policy Issue Date: 7/1/2018

Page 1 of 1

## POLICY:

It shall be the policy of The Florida Virtual School Board, ("Board") that any instructional materials which become unserviceable or surplus or are no longer on state contract shall be disposed of as provided herein.

Unserviceable or surplus instructional materials no longer under contract to the state shall be made available to other schools within the state prior to disposal which may be disposed of by:

Providing the materials to instructional employees to use in the development of supplementary teaching materials, to FLVS students, or other members of district staff for use in curriculum development.

Selling the materials to book dealers, recycling plants, pulp mills, or other persons, firms, or corporations upon such terms as are most economically advantageous to the Board.

Instructional materials that cannot be disposed of as provided in subsection (1) may be destroyed or discarded by the Board.

All moneys received by reason of sale, exchange, loss, damage, or other disposition of instructional materials shall be transmitted to the President/CEO or designee to be deposited into the appropriate district fund for instructional materials and added to the district appropriation for instructional materials and then credited back to the school's instructional materials account.

The State Board of Education Rules and the Florida Statutes shall prevail whenever any provisions of this policy conflict.

SPECIFIC AUTHORITY: Sections 1001.42; 1006.28; 1006.41 Florida Statutes

## FA012 – INVENTORY AND TANGIBLE PROPERTY

Policy Issue Date: 7/1/2018

Page 1 of 3

### POLICY:

The CEO/President or designated representative shall be responsible for all equipment and other tangible personal property assigned to or located within the facility even though the inventorying of the equipment is assigned to a staff member.

### PROCEDURE:

The CEO/President or designee shall do the following.

Establish and maintain an adequate and accurate record of all items of tangible personal property in the school system having a capitalization value as specified in state statute. Conduct a physical inventory at least once each year in the manner prescribed by law and report any shortages or discrepancies to the school board for appropriate action. Conduct an additional physical inventory within 30 days of change of a property custodian and report any shortages or discrepancies to the school board for appropriate action.

All equipment purchased by different organizations within the school system or by outside organizations or individuals for use by the school system shall become the property of the school board and shall be recorded and inventoried in the same manner as all other equipment of a similar nature.

The person in charge of a school or cost center shall be responsible for taking necessary measures to properly safeguard property under their control against loss, damage or undue depreciation. This shall include conducting a physical inventory monthly of a representative sample of property assigned to that school or cost center. A record shall be maintained of each inventory and a reasonable effort shall be made to locate all missing items to ensure controllable loss at any location does not exceed 1%. Failure to safeguard property will result in disciplinary action up to and including termination. Such custodian shall also be responsible for initiating any request for the disposal or transfer of surplus or unserviceable tangible personal property assigned to the cost center. The custodian is further responsible for making periodic inventories of other items not included in subsection (1) including supplies, small items of equipment, student furniture, library books, textbooks and other materials and supplies.

Loss, damage, theft or undue depreciation of property will be investigated by a committee comprised of representatives of the Finance, Accounting, the Office of Professional Standards, and Security Management to evaluate whether the cause was employee negligence. If negligence is determined, the employee will be responsible for replacement or repair of the equipment. Decisions of this committee may be appealed to the {CEO/President or Designee} within 10 days of such decision.

#### Removal of Equipment from Assigned Locations

No person shall remove any item of property from Florida Virtual School's VLC (Virtual Learning Center) without the written permission of the superintendent or designee, principal or supervisor in charge. School board equipment shall not be removed from its location prior to its being properly identified and indelibly marked with a school board fixed asset number.

Any employee who either removes equipment or permits the removal of equipment from school property without proper authorization shall be subject to disciplinary action up to and including termination.

## FA012 – INVENTORY AND TANGIBLE PROPERTY

Page 2 of 3

### Loan of Equipment

- (a) Upon written approval of the CEO/President or designee in charge of a cost center, employees or students may remove equipment from a school board location for a time certain, but no longer than required to perform the assigned task, and as long as it is for use in connection with the employee's job assignment or a student's study assignment and does not interfere with the operation of the school or location. A Property Receipt Form must be on file at the location for all equipment removed. The form is to be completed in detail and available for auditing. Any equipment on loan shall be returned to its assigned location for the annual physical inventory. If, as a result of negligence, school board equipment borrowed by employees or students is lost, damaged or stolen, the borrower shall be responsible for replacing or repairing the equipment. If an employee or student reports any equipment on loan to them as being stolen, a police report shall be provided so that the incident may be properly documented and investigated.
- (b) School board equipment shall not be loaned prior to its being properly identified and indelibly marked with the school board fixed asset number. Loss, damage, theft or undue depreciation of property will be investigated by a committee comprised of representatives of the Property Accounting, the Office of Professional Standards and Risk Management Departments to evaluate whether the cause was employee negligence. If negligence is determined, the employee will be responsible for replacement or repair of the equipment. Decisions of this committee may be appealed to the {Superintendent or Designee} within 10 days of such decision.

### Rental of Equipment

If an employee wishes to use school board equipment on an incidental basis for supplemental employment with an educational or governmental organization, an agreement shall be established with the superintendent or designee, principal or person in charge of the school or cost center based on district guidelines. If the equipment is used at its normal location and at times other than regular hours of employment, it may be used at no charge except for reimbursement of any charges or additional expenses for which the school system is responsible. If the equipment is to be used off school board property, a rental charge shall be made. The use of equipment without charge to educational, public and school-related organizations shall be at the discretion of the person in charge of the school or cost center and shall not interfere with or diminish the operation of the school or other activity.

### Assignment of Equipment to Secondary Locations

With the written approval of the CEO/President or designee, equipment may be assigned to a secondary location, including the home of an officer or employee, when such assignment is exclusively for the benefit of the school district. The period of assignment may be for a period of up to one year and may be renewed in the same manner as originally approved. The written authorization must be available for review at the time an inventory is conducted. The equipment on assignment shall be made available for inventory upon request. If, as a result of negligence, school board equipment on assignment is lost, damaged or stolen, the borrower assignee shall replace it. Loss, damage, theft or undue depreciation of property will be investigated by a committee comprised of representatives of the Property Accounting, the Office of Professional Standards and Risk Management Departments to evaluate whether the cause was employee negligence. If negligence is determined, the employee will be responsible for replacement or repair of the equipment. Decisions of this committee may be appealed to the {Superintendent or Designee} within 10 days of such decision.

## FA012 – INVENTORY AND TANGIBLE PROPERTY

Page 3 of 3

### Security of Property

All property shall be secured as safely as possible in order to protect it from burglary and vandalism. The security of district property is the responsibility of all staff. While the district is not responsible for privately owned items that are brought into schools and other cost centers by staff, students, parents, civic groups, businesses or others, these items must also be stored in as secure a fashion as is practicable. The individual owner of all non-district items, however, retains sole responsibility for the security of the property when it is brought to any district location or facility.

### Warehouse Inventories

The Asset Management/Document Specialist is responsible for the operation of the Inventory Warehouse, which dispenses equipment or supply items, and shall maintain a perpetual inventory of all stock. Annually at the end-of-the-year a report of the count and value of such stock items to the Finance Department. The CEO/President shall direct that procedures outlining responsibilities of staff for inventories, reports and audits shall be developed.

STATUTORY AUTHORITY: Chapter 274, Florida Statutes

LAWS IMPLEMENTED: Sections 1001.42; 1001.51; 1001.54; 10

STATE BOARD OF EDUCATION: 6A-1.087

## FA013 – DISPOSAL OF TANGIBLE PERSONAL PROPERTY

Policy Issue Date: 7/1/2018

Page 1 of 2

### POLICY:

Tangible personal property that is excess to school or department needs must enter the surplus disposal process and shall be disposed of in the manner prescribed by Chapter 274, Florida Statutes.

### PROCEDURE:

- (1) For purposes of this policy, "tangible personal property" shall mean any fixtures, furniture, and equipment and other tangible personal property of a non-consumable nature.
- (2) The Board may classify as surplus any tangible personal property owned by the Board, provided that such property is not otherwise lawfully disposed of, when that property is determined to be obsolete, or the continued use of the property is uneconomical or inefficient, or the property serves no useful function to the district.
- (3) Initial efforts will be made to redistribute any tangible personal property to other Board facilities or public schools within the State of Florida. Such tangible personal property may not be sold or donated to an individual or non-district agency, except as otherwise described herein.
- (4) In accordance with Section 274.06, Florida Statutes, after the initial efforts to redistribute are exhausted, tangible personal property may be disposed of as follows:
  - (a) If the property is without commercial value, it may be donated, destroyed, or abandoned;
  - (b) Property, the value of which the Board estimates to be under \$5,000.00, may be disposed of in the most efficient and cost effective means as determined by the Board. This manner of disposition may include, but is not limited to, public sale, private sale, or negotiation;
  - (c) Any sale of property, the value of which the Board estimates to be \$5,000.00 or more, shall be sold pursuant to the provisions of Section 274.06, Florida Statutes.
- (5) Requests from other governmental agencies, charter schools, and non-profit organizations for the surplus tangible personal property may be considered after all options within sections (1) through (5) above have been exhausted.
- (6) Tangible personal property not otherwise disposed of in accordance with sections (1) through (6) herein shall be disposed of in the manner prescribed by Chapter 274, Florida Statutes, unless such property was purchased with federal grant funds, in which case the regulations contained in the Code of Federal Regulations shall apply.
- (7) The Superintendent or designee shall develop, implement, and administer procedures for the disposal of tangible personal property in accordance with all applicable laws and regulations. Said procedures shall include provisions for the keeping of records regarding the authorization of the disposal of any tangible personal property.

## FA013 – DISPOSAL OF TANGIBLE PERSONAL PROPERTY

Policy Issue Date: 7/1/2018

Page 2 of 2

- (8) Upon disposal of any tangible personal property, any and all funds received for the sale, transfer, or disposal of said tangible personal property shall be deposited and expended in accordance with the minimum requirements of the Auditor General and the applicable Florida Statutes.
- (9) Any and all tangible property having the capability of maintaining Electronically Stored Information (ESI) shall have all data (ESI) removed and reset to factory default by the IT Department prior to being submitted to the Inventory Technician for disposal. No exceptions will be granted. A certificate from the Chief Information Officer by memo, will be provided to both Manager Records and Facilities, and to the Asset Management/Document Specialist, with a description of the item, serial number, FLVS Property Tag number, date information was deleted and removed, and reason the item is being removed from Inventory.

SPECIFIC AUTHORITY: Florida Statutes Sections 274.05; 274.06; 274.07; 1001.42; 1002.33; 1013.28, Florida Statutes Section 7 CFR 3015. 168

# **I001 – STANDARDS FOR STUDENT ACHIEVEMENT**

Policy Issue Date: 7/1/2018

Page 1 of 1

## **POLICY:**

Each year, the President/CEO shall submit to the Florida Virtual School Board of Trustees for approval, the proposed standards for student achievement. All standards for student achievement shall be in accordance with applicable law and shall be brought to the Board to be amended as law requires.



## IT001 – SERVER ROOM ACCESS

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

Access to the server room shall be limited to personnel who are authorized by the President/CEO or designee. Appropriate service personnel shall be permitted unescorted access to the server room after work hours to repair hardware or software problems. Visitors are permitted if escorted by appropriate operation personnel. An access roster will be maintained by the manager, Infrastructure team, and updated when changes occur.

*Laws Implemented: Sections 230.22(1); 230.33(7), Florida Statutes*

# IT002 – COMPUTER RESOURCES AND DATA ACCEPTABLE USE

Policy Issue Date: 7/1/2018

Page 1 of 2

## POLICY:

### COMPUTER RESOURCES

Equipment essential to accomplishing job duties will be issued to specific employees based on business and job function. All employees are expected to exercise care in the use of FLVS property. Employees are required to follow all operating instructions, safety standards, and guidelines. The required maintenance must be performed by the IT Department. Employees will be financially responsible for any loss or damage to FLVS property in the employee's custody, if management determines the loss or damage was the result of the employee's negligence. Negligence in the care and use of FLVS property, unauthorized removal, or personal use of FLVS property are subject to discipline. At no time should unauthorized software be installed on the FLVS hardware as it may cause other software programs to operate ineffectively or fail. Authorized personal use of FLVS systems will not be supported by the Information Technology Department. All data stored on FLVS equipment, computers, servers, or information system is the property of FLVS regardless of the classification of the data.

The Information Technology Department uses access control such as forced locks, screen savers, passwords, monitoring tools, and other security measures to protect the confidentiality of FLVS data. At no time is any FLVS employee allowed to tamper with or otherwise inhibit any IT controls placed on FLVS equipment. IT reserves the right to inspect, copy, or remove data, revoke access, or take any technical actions necessary to protect FLVS equipment and data.

### DATA

It is the responsibility of all employees at FLVS to protect FLVS data. Any abuse of FLVS data based on type of loss and frequency will be subject to discipline. To protect the privacy and sensitivity of data, FLVS employees will not reveal or communicate FLVS data unless authorized by job function, authorized by management, or having taken steps necessary to verify the identity of the third party and validate their authority to receive the data. All FLVS employees will not communicate any data or information without a valid business purpose and will refrain from communicating FLVS data in public places where they may be overheard by others.

## PROCEDURE:

- Laptops and equipment taken on airplane trips should be carried on board vs. checked as luggage. Laptops and equipment should remain in the possession of the employee at all times.
- Laptops, when left unattended, should not be exposed to extreme temperatures (Note: do not leave laptops in cars – extreme heat can burst the monitor).
- Report damage to manager immediately and provide a complete detailed memorandum outlining damages, including date and time of incident, location, circumstances, and type of damage incurred within 24 hours.
- Report lost or stolen equipment to local law enforcement and notify your manager immediately.

## IT002 – COMPUTER RESOURCES AND DATA ACCEPTABLE USE

Page 2 of 2

- For technical assistance, please contact the Helpdesk at 800.374.1430 x2 or submit an incident at [help.flvs.net](http://help.flvs.net)
- All FLVS data stored on computers, servers, and information systems is the property of Florida Virtual School regardless of whether it is for Florida Virtual School business or for authorized personal use.
- Users shall have no expectation of privacy associated with the personal information they store on FLVS resources.
- All FLVS provided computers are not allowed to use any USB mass storage devices, which includes everything from hard drives to cameras to some printers.
- Unauthorized removal, non-incident personal use, or negligence in due care may be considered misappropriation or theft of Florida Virtual School resources and subject to disciplinary action.
- All computers attached to the Florida Virtual School network must have IT standard anti-malware software installed, updated, and activated.
- Users will not disable, uninstall, or reconfigure malware protection software installed on their computers, even if they have the ability to do so with local administrative privileges.
- If a user suspects any type of malware activity on his/her computer, it must be reported to IT immediately.
- Security awareness training lowers the risk that information systems will be breached, either intentionally or accidentally, through technical measures (such as hacking) or non-technical measures (such as social engineering).
- All employees of Florida Virtual School are required to participate in security awareness training within 30 days of starting work and thereafter at the end of each fiscal year.

Upon completion of security awareness training, all employees will be required to sign a declaration that they have completed training, understand the purpose of the training and the specific procedures taught, and that they intend to abide by Florida Virtual School security policies.

## IT003 – INFORMATION DATA SECURITY

Policy Issue Date: 7/1/2018

Page 1 of 2

### POLICY:

All employees are required to act responsibly with regard to FLVS property, resources, and information. Illegal copying/ use of software and digital assets by FLVS employees is prohibited.

Management, at their discretion and without notice, may monitor, review, audit, and control any aspect of access to or use of FLVS resources or property, including any computer-related resources or property (e.g., computer equipment, terminal, system, network, program, software, documentation, or file, including individual employee computer files).

Maintaining the privacy of all confidential information collected from and about our employees, customers, and vendors is managed through the implementation of reasonable safeguards including, but not limited to, spyware/anti-virus software programs, department specific quality assurance procedures, records management procedures, use of shredders, and employee privacy training.

Privacy/ID Theft training is incorporated into the new hire orientation process. This privacy training complies with FACTA, the Fair and Accurate Credit Transactions Act of 2003, in part, to help consumers prevent ID theft, but also to assist employers with creating a culture of security. This is done by identifying an employee's responsibility to protect other people's personally identifiable information, as well as providing the employee an opportunity to enroll in an employee paid Legal and ID Theft Protection benefit as part of the FLVS insurance benefit options. Employees are required to review the training, as well as sign any applicable acknowledgment forms.

Privacy violations shall be reported immediately to Professional Standards. Violations of this policy are grounds for disciplinary action, up to and including termination.

### PROCEDURE:

1. FLVS issued credentials/passwords are required to be kept private and are not to be shared with any other staff member. Employees suspecting that their passwords may have been compromised should immediately contact the department leader or designee. FLVS prohibits the sharing of logon credentials, including user IDs and passwords. This policy is a strong control for data security and privacy, and a basic line of defense against unauthorized access to electronic systems.

In some operational circumstances, there is a need for Delegated Access – the ability for individual users to access identical areas or sets of data. However, some existing electronic systems do not support Delegated Access. Therefore, an exemption to this policy permits the sharing of user IDs and passwords for the following systems only: Florida Virtual School VSA, and Blackboard Collaborate. This list is subject to change. The sharing of logon credentials for all other electronic systems is prohibited.

2. FLVS hardware may not be used by non-authorized personnel. Software is not to be installed in any family computer unless approved by the chief information officer or designee.
3. Downloading and installation of any unauthorized software is strictly prohibited

4. FLVS provides email protection from viruses via a SPAM filter. Employees are required to learn to use the SPAM filter in a manner to protect FLVS equipment.
5. Computers on wired or wireless networks in employee homes may have sensitive FLVS information hijacked from outside if the system is not protected. Employees setting up home networks or installing wireless routers are also required to install appropriate firewalls. Home users should contact their home vendor for assistance.
6. Employees must immediately notify IT should they receive a computer virus and or virus warnings on any FLVS computer system.
7. Employees may not download, display, or transmit pornography and offensive or illegal materials.
8. Employees must respect licensed, copyrighted, and/or other legally protected materials including FLVS protected software. FLVS software is not to be copied for personal use or for family member use.
9. Employees will not access, obtain copies of, or modify files or databases belonging to others.
10. To help increase the security of our sensitive information by reducing ways it can be compromised, saving data to removable storage devices such as USB flash drives, SD cards, external hard drives, is not permitted on FLVS computers.

## IT004 – ACCEPTABLE USE OF DIGITAL RESOURCES

Policy Issue Date: 7/1/2018

Page 1 of 2

### POLICY:

These procedures are written to promote positive and effective stewardship of digital citizenship by all FLVS employees, providing members of the Florida Virtual School community with contemporary guidance for using online tools to communicate about or on behalf of FLVS.

FLVS sees the Internet and digital technologies as valuable resources, including various social networking sites, such as Facebook, YouTube, and similar sites, but acknowledges the tools must be used responsibly. The teaching of safe and responsible online behavior is essential in the lives of students and is best taught in partnership between home and school. Expectations for staff behavior online are no different than face-to-face interactions.

*Statutory Authority: 1001.41, 1001.42, Florida Statute*

*Laws Implemented: 1001.43, 1001.51, 1012.27, Florida Statute*

### ACCEPTABLE USES OF DIGITAL RESOURCES BY FLVS STAFF

- Creation of files, projects, videos, Web pages, and podcasts using network and Internet resources in support of educational objectives.
- Participation in blogs, wikis, bulletin boards, social networking sites and groups, and the creation of content for podcasts, email, and Web pages that support educational objectives in accordance with FLVS social media policy and guidelines set forth by the **FLVS Employee Social Media Approval and Authorization Process**.
- Publishing original educational material and/or curriculum related materials in compliance with copyright laws. Sources outside the classroom or school must be cited appropriately.
- Publishing student work with parental permission in accordance with FERPA laws and FLVS policy on student records.
- Use of mobile devices (such as cell phones, cameras, media players, etc.) for teacher-approved learning purposes.
- Use of the network, Internet resources, and mobile devices for incidental personal use in accordance with all FLVS policies and guidelines.

### UNACCEPTABLE USES OF DIGITAL RESOURCES BY FLVS STAFF

- Use of digital resources for personal gain, commercial solicitation, and compensation of any kind.
- Use that results in liability or unapproved cost to FLVS.
- Downloading and/or installing software without prior permission or approval of FLVS IT Department.
- Supporting or opposing ballot measures or candidates or participating in any other political activity.

## IT004 – ACCEPTABLE USE OF DIGITAL RESOURCES

Page 2 of 2

- Damaging, or attempting to damage, the network, equipment, materials, or data physically or electronically. Examples include hacking, vandalizing, flooding, spamming, phishing, or deploying viruses, worms, Trojan horses, or other malicious content or spyware.
- Storing, sending, or posting information that could endanger others (e.g., bomb construction, drug manufacturing).
- Accessing, uploading, downloading, storage, and distribution of obscene, pornographic, or sexually explicit material.
- Attaching unauthorized equipment to the FLVS network.
- Attaching and saving data to removable devices are not permitted.
- Other uses that the Office of Professional Standards or designee may deem unacceptable.

### DISCIPLINARY ACTIONS

If an employee violates any of the preceding policy provisions, his/her access may be limited or terminated, and future access may be denied. In addition, appropriate disciplinary actions may be taken which may include, but are not limited to, a letter of concern, suspension with or without pay, termination, legal action, and/or referral to law enforcement as appropriate.

## IT005 – WORKSTATION SOFTWARE LICENSING

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

FLVS requires all employees to adhere to the terms of all software licenses to which FLVS is a party. For the purposes of this policy, the term “software license” includes the documentation provided with the software product.

FLVS employees may not duplicate any licensed software or related documentation for use either on FLVS premises or elsewhere unless expressly authorized to do so by agreement with the licensor. Unauthorized duplication of software may subject employees and/or the organization to both civil and criminal penalties under the United States Copyright Act.

### INSTALLATION OF SOFTWARE

Software may either be installed by FLVS Information Technology or a vendor assigned this responsibility. Applicable manuals, tutorials, and other user materials shall be provided to the user. A copy of the applicable license agreement and the original media shall be kept in a safe storage area maintained by Information Technology.

### REGISTRATION OF SOFTWARE

Software registration will be the responsibility of the Information Technology Department.



## **IT006 – COMPUTER DATA BASE RESOURCES**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

The President/CEO or designee shall develop procedures to protect the district's investment in application software and data files. The system shall include provisions for storing back-up or duplicate programs and filing in a fire-proof vault/safe in a facility other than that housing the computer system. Procedures and operating practices associated with access to the district's databases shall conform with the confidentiality of the data involved.

*Laws Implemented: Section 119.011(11), Florida Statute*

# IT007 – ELECTRONIC COMMUNICATIONS AND PUBLIC RECORDS

Policy Issue Date: 7/1/2018

Page 1 of 4

## POLICY:

FLVS follows all federal, state, and local laws regarding electronic communication.

The FLVS email system is to be used to conduct official business and is not to be used for any other purpose unless expressly approved by authorized school officials. Email may be used to communicate with FLVS staff and with other public and private entities to conduct official school business.

This applies to the entire workforce with access to the FLVS email system including all offices, divisions, departments, advisory bodies, and contract agents of the school in the conduct of their official duties as prescribed by law.

Incidental, personal use of the email system is permitted; however, the personal use must be brief, must not interfere with the employee's work or the work of others, must not subject FLVS to any additional cost, and must not be prohibited by this policy or any federal, state, or local law, statute, ordinance, rule, or regulation.

The FLVS email system shall not be used for any unauthorized purpose including, but not limited to:

- Sending solicitations including, but not limited to, advertising the sale of goods or services or other commercial activities, which have not been approved by FLVS.
- Sending copies of documents in violation of copyright laws or licensing agreements.
- Sending information or material prohibited or restricted by government security laws or regulations.
- Sending information or material which may reflect unfavorably on FLVS or adversely affect the organization's ability to carry out its mission.
- Sending information or material which may be perceived as representing the official position of FLVS on any matter when authority to disseminate such information has not been expressly granted.
- Sending confidential or proprietary information or data to persons not authorized to receive such information, either within or outside the organization.
- Sending messages or requesting information or material that is fraudulent, harassing, obscene, offensive, discriminatory, lewd, sexually suggestive, sexually explicit, pornographic, intimidating, defamatory, derogatory, violent, or which contains profanity or vulgarity, regardless of intent. Among those which are considered offensive include, but are not limited to, messages containing jokes, slurs, epithets, pictures, caricatures, or other material demonstrating animosity, hatred, disdain, or contempt for a person or group of people because of race, color, age, national origin, gender, religious or political beliefs, marital status, disability, sexual orientation, or any other classification protected by law.
- Sending messages or requesting information reflecting or containing chain letters or any illegal activity, including, but not limited to gambling.
- Sending or requesting information or material that proselytizes or promotes a religious or political view, cause, position, or action.

## IT007 – ELECTRONIC COMMUNICATIONS AND PUBLIC RECORDS

Page 2 of 4

Email is subject to public records disclosure and may also be accessed by authorized FLVS employees.

FLVS employees have no right of personal privacy in any material created, stored in, received, or sent over the organization's email system. FLVS reserves and may exercise the right, at any time and without prior notice or permission, to intercept, monitor, access, search, retrieve, record, copy, inspect, review, block, delete, and/or disclose any material created, stored in, received, or sent over the email system for the purpose of protecting the system from unauthorized or improper use or criminal activity.

Violations of this policy may result in disciplinary action, up to and including termination of employment.

*Laws Implemented: Sections 257.14 and 257.36(1) and (6), Florida Statute*

### PROCEDURE:

Employees must properly manage and retain email, texting, video, and voice recording systems in accordance with applicable records management statutes and rules including Chapter 119, Florida Statutes, when using the organizations email system.

### AUTHORITY

Chapters 119, 257, and 282, Florida Statutes  
Rules 1B-24 and 60DD-2, Florida Administrative Code

### **Definition**

Email is the electronic transfer of information, typically in the form of electronic messages, memoranda, and attached documents, from a sending party to one or more receiving parties by means of an intermediate telecommunications system.

### EMAIL AS A PUBLIC RECORD

- Email which is created or received by an employee in connection with the transaction of official business of the school is considered a public record and is subject to inspection and/or copying in accordance with Chapter 119, Florida Statutes, and is subject to applicable state retention laws and regulations, unless expressly exempted by law.
- Emails created or received for personal use are not generally considered public records, and do not fall within the definition of public records by virtue of their placement on a school-owned computer system. However, if the school discovers misuse of the email system, personal emails that are identified as being in violation of this policy may become public record as part of an investigation.

The Florida Statutes contain numerous specific exemptions to the access and inspection requirements of the Public Records Law. Employees are responsible for ensuring that electronic public records which are exempt from access or inspection by statute are properly safeguarded.

### RETENTION REQUIREMENTS FOR EMAIL

- All public records must have an approved retention schedule in place before they can be destroyed or otherwise disposed of. Retention periods are determined by the content, nature, and purpose of records, and are set based on their legal, fiscal, administrative, and historical values, regardless of the form. Therefore, there is no single retention schedule that would apply across the board to all emails. Email, like other records, irrespective of its form, can have a variety of purposes and relate to a variety of program functions and activities. The retention period of any particular email message will generally be the same as the retention for records in any other form that document the same program function or activity.
- FLVS employees are required to relate each email that is created or received by the employee through FLVS email system to the activity it documents, as well as to other records documenting that activity, and apply the appropriate retention period based on that activity or function. Training will be provided to the employee during new employee orientation and reinforced by the employee's direct manager. Approved retention schedules for State Government Agencies can be found at: [http://dlis.dos.state.fl.us/recordsmgmt/gen\\_records\\_schedules.cfm](http://dlis.dos.state.fl.us/recordsmgmt/gen_records_schedules.cfm)

Upon departure the IT Department will download to disc, all stored data from the departing employee's computer, which will include all email and Outlook Calendar events and provide it to the Records Management Liaison Officer for final disposition and storage in accordance with approved retention schedules.

### TRANSITORY MESSAGES

Many, though not all, emails fall under the retention schedule for "TRANSITORY MESSAGES" (General Records Schedule GS1-SL for State and Local Government Agencies, Item #146). "Transitory Messages" are messages that do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. For instance, an email message notifying employees of an upcoming meeting would only have value until the meeting has been attended or the employee receiving the message has marked the date and time in the calendar. The informal nature of transitory messages might be compared to a telephone conversation or a conversation in an office hallway. The retention requirements for Transitory Messages are; "Retain until obsolete, superseded or administrative value is lost." Therefore, emails that fall into this category can be disposed of at any time once they are no longer needed.

### MANAGING EMAIL

Sorting email into appropriate personal folders is a helpful way to manage these records and to ensure that appropriate retention requirements are identified and met. That is, just as file cabinets are set up to house different sets of files and employees know where to file paper records in those files, email files and folders can be set up with the appropriate retention period designated for each of those files and folders. If no retention schedule exists for records relating to a particular activity, then one must be established and that retention schedule would then apply to all documentation of that activity, regardless of form (paper, film, electronic, etc.). Training will be provided during new employee orientation.

### PHISHING EMAILS

Employees should be cautious of emails soliciting their usernames and passwords into FLVS systems (phishing emails). These illegal emails may appear to come from FLVS administrators with the email “@flvs.net.” Employees should not forward usernames and password information to anyone without checking with the Information Technology Department.

### VIOLATIONS

Violations of this policy may result in disciplinary action, up to and including termination of employment.

# IT008 – CRIMINAL JUSTICE INFORMATION COMPLIANCE

Policy Issue Date: 7/1/2018

Page 1 of 5

## POLICY:

FLVS shall adhere at a minimum to the CJIS (Criminal Justice Information System) Security Policy, FLVS may augment or increase the standards, but will not detract from the CJIS Security Policy Standards.

## PERSONALLY IDENTIFIABLE INFORMATION

PII (Personally Identifiable Information) is information which can be used to distinguish or trace an individual's identity such as name, social security number, or biometric records, alone or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, or mother's maiden name.

PII will not be extracted from criminal justice information (CJI). In circumstances where it may need to be extracted, personnel must have written consent from department leader. Once PII has been used, personnel must dispose of all information properly. PII must not be disseminated to other agencies.

## INFORMATION EXCHANGE

Before dissemination of CJI FLVS will contact FDLE for written authorization to release to requesting agency.

All CJI released to other agencies shall be documented in the dissemination log including: date, subject's name, SID or FBI number, requestor, requestor agency, reason disseminated, and purpose code.

## INFORMATION HANDLING

Information obtained from the Florida Department of Law Enforcement Secure Mail application, must only be used for statute mandated purposes only. Personnel must follow all CJIS Security Policy, state and federal rules and regulations regarding CJI information.

All personnel with access to CJI, audio as well as visual, shall receive the proper training within 30 days of hire. CJI or PII will not be transmitted via email unless encrypted. All information outlined in the information exchange and disposal of physical media shall be followed as well.

### INCIDENT RESPONSE

Should an incidence occur involving any device (workstations, smart phones, laptops, tablets, etc.) that is on the FLVS's network, the LASO shall be contacted immediately. If it is deemed by the LASO to be a security breach of confidential information, a Security Incident Response Form will be filled out and submitted to FDLE ISO at [fdlecjisiso@flcjn.net](mailto:fdlecjisiso@flcjn.net).

FLVS will identify the security breach by conducting the following:

1. Confirm the discovery of a compromised resource(s).
2. Evaluate the security incident.
3. Evaluate the security incident.
4. Identify the system(s) of information affected.
5. Review all preliminary details
6. Characterize the impact on the agency as: minimal, serious, or critical.
7. Determine where and how the breach occurred.
  - a. Identify the source of compromise and the time frame involved. Review the network to identify all compromised or affected systems.
8. Examine appropriate system and audit logs for further irregularities
  - a. Document all internet protocol (IP) addresses, operating systems, domain system names and other pertinent system information.
9. Initiate measures to contain and control the incident to prevent further unauthorized access.
10. Document actions throughout the process from initial detection to final resolution.

### ACCOUNT MANAGEMENT

The management of CJJ system/file accounts shall be conducted by Information Technology personnel at the direction of the LASO in accordance with all policies and CJIS Security Policy requirements. New employee personnel will gain access to all systems/files upon start date, but will lose access to CJJ systems if training courses are not completed or passed within 30 days. All user accounts of retired, terminated or otherwise former and non-working employees shall be disabled and revoked immediately or as soon as practicable. User accounts suspected of compromise shall be immediately disabled upon first discovery of compromise. Logs of access privilege changes shall be maintained for a minimum of one year and document the validation process.

### SYSTEM ACCESS CONTROL

Access to all CJJ systems will be granted by the agency's LASO. Once access is granted, the Information Technology (IT) Department will control access. Multiple concurrent sessions are only allowed for training purpose. All other purposes must be approved by the LASO.

### REMOTE ACCESS

Remote access shall only be used for official use only. This includes those remoting in to FLVS's network using a VPN tunnel. IT personnel may remote access into the FLVS's network only for emergency purposes only. Vendor companies may be granted access to FLVS's network only if they are virtually escorted by authorized personnel at all times.

### PERSONALLY OWNED INFORMATION SYSTEMS

Personally owned devices are not allowed to access the agency's network. Therefore, a device that is not owned by FLVS, shall not access CJI.

### AUTHENTICATION STRATEGY

If personnel are on FLVS's network, a user name and password is required. All passwords should:

1. Be a minimum length of eight (8) characters on all systems.
2. Not be a dictionary word or proper name.
3. Not be the same as the User name.
4. Expire within a maximum of 90 calendar days.
5. Not be identical to the previous ten (10) passwords.
6. Not be transmitted in the clear outside the secure location.
7. Not be displayed when entered.

User name will always be structured as such *lastname-firstnameinitialmiddlenameinitial* (i.e. jones-pj).

### AUTHENTICATOR MANAGEMENT

Authenticators will be assigned to personnel during training or upon reassignment. Any lost or compromised authenticators should be reported to the IT department immediately. Authenticators shall be deactivated immediately if personnel is terminated, retired, or has been reassigned.

### MEDIA PROTECTION

Media in all forms shall be protected at all times. Electronic media (i.e. hard drives, disks, flash drives, etc.) shall be behind locked doors at all times with access granted only to authorized personnel only.

Physical media (i.e. physical documents) shall only be stored for case file and validation purposes. CJI stored will be placed in locked filing cabinets behind locked doors. Only authorized personnel will be granted access. All other forms of CJI shall be shredded when not in use.

### ELECTRONIC MEDIA SANITIZATION AND DISPOSAL

All electronic media no longer in use will be sanitized. The device will be overwritten three times. Once overwritten the device shall be stored behind locked door until disposed of. Authorized personnel will conduct and witness the sanitization of media on site.

### DISPOSAL OF PHYSICAL MEDIA

All physical media will be disposed by crosscut shredder. Authorized personnel will conduct and witness the destruction of media on site.



### PHYSICAL PROTECTION

FLVS's hardware, software, and media containing confidential information will be stored behind locked doors. Only authorized personnel with a "need to know" or "right to know" based on job duties will have access.

FLVS shall control physical access by authenticating all visitors before authorizing escorted access to the physically secure location. FLVS shall escort visitors at all times and monitor visitor activity.

### ENCRYPTION

When CJ is transmitted outside the physically secure location, FLVS will encrypt all data with at least 128-bit encryption. The encryption mechanism shall meet FIPS 140-2 requirements and certificate shall be kept on file at all times.

At the moment FLVS does not utilize PKI.

### VOICE OVER INTERNET PROTOCOL

FLVS does have a Voice over Internet Protocol (VoIP) for the telephone system. It is located on its own network and is encrypted.

CJ data is not transmitted nor spoken over the VoIP line.

### PATCH MANAGEMENT

FLVS's IT department shall review all security relevant patches, service packs, and hot fixes from the vendors. Once reviewed, the patches will be fixed promptly.

### SECURITY ALERTS AND ADVISORIES

Security alerts and advisories will be subscribed by the IT Department. IT personnel shall evaluate each security alert to determine its urgency and relevance to FLVS. Then promptly develop a plan of action to respond to any changes in threats or vulnerabilities exposed by those alerts and notify the proper FLVS personnel.

### WIRELESS ACCESS RESTRICTIONS

Access to the FLVS's wireless network shall only be used for official business only. All personnel will be authorized and monitored by the IT department to use the wireless network.

The review of Wi-Fi logs will be reviewed on a monthly basis.

## BLUETOOTH

Bluetooth will only be used for official business purposes. The purposes include the agency's Rapid IDs, printers, and wireless mice. All other Bluetooth devices shall be approved by the agency's IT department.

## PERSONNEL SANCTIONS

All personnel with the FLVS shall adhere to all policies. Failure to do so will require review by the agency head. Once reviewed personnel may receive disciplinary actions, up to and including termination and/or criminal prosecution

## **L009 – WEATHER EMERGENCY CLOSINGS**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

FLVS recognizes that at times of severe emergencies caused by weather, fire, power failure, or other acts of nature, we must minimize the risk to our employees while balancing the disruption of FLVS operations. In extreme cases, the President/CEO and/or his/her designee, may determine the closing of a work facility. Employees who are not in an affected area are required to report to work. In the event of evacuation, power outage, or loss of internet access, employees should notify their manager/supervisor. The health and safety of our employees is paramount.

FLVS will communicate any work facility closings, but it is the responsibility of the employee to monitor local weather conditions.

# PM001 – PERFORMANCE EVALUATIONS

Policy Issue Date: 7/1/2018

Page 1 of 2

## POLICY:

FLVS is committed to fairly and objectively evaluating individual job performance to encourage employee growth and to increase productivity for the continued success of the individual and FLVS. The performance evaluation cycle is designed to provide supervisors and employees with the necessary tools to accomplish timely performance evaluations and to encourage open communications.

Instructional staff, non-classroom instructional staff, and school leaders (Instructional Leaders, Assistant Principals, and Principals) will be evaluated pursuant to state law and Florida Department of Education requirements **and as documented in the Board of Trustees and FLDOE approved evaluation plans**. All other staff will be evaluated pursuant to FLVS guidelines and procedures.

## PROCEDURE:

### PERFORMANCE MANAGEMENT ACTIVITIES

FLVS hosts multiple activities as part of its comprehensive performance management process. These activities include:

- Functional Goals (all support staff positions)
- Professional Learning Goals (all positions)
- Informal Monthly Discussions (all positions)
- Mid-Year Performance Reviews (all positions)
- Formal and Informal Observations (all teachers)
- Year-end Evaluations (all positions)

### EVALUATION ELIGIBILITY REQUIREMENTS

#### \*NEW INSTRUCTORS

Instructors within their first 12 months at FLVS are required to receive two evaluations within their first year of employment that provides feedback on their performance within the professional practice domains and on measures of student performance. The Mid-Year Performance Review and the Year-end Evaluation serve to meet this need. New instructors must be employed at the time the mid-year performance review is scheduled for completion in order to receive the evaluation. Should a new instructor be eligible to receive a Year-end Evaluation based on hire date, he/she must also be employed through April 30 in order to receive that evaluation (see Departures below).

#### \*INSTRUCTIONAL PERSONNEL (TEACHERS, NON-CLASSROOM INSTRUCTIONAL STAFF, SCHOOL LEADERS)

In order to receive a Year-end Evaluation, instructional personnel (outside of new instructors) must be employed with FLVS for a minimum of six months during the fiscal year and be employed in said capacity through April 30.

## PM001 – PERFORMANCE EVALUATIONS

Page 2 of 2

### DEPARTURES

Instructional personnel who have met the above criteria and leave FLVS prior to the evaluation being completed and administered may request a copy of the completed evaluation after August 31. The request must be submitted in writing to the FLVS main office to the attention of the Performance Management Department or sent via email to [performancemanagement@flvs.net](mailto:performancemanagement@flvs.net). Upon receipt, the previous employee has 10 calendar days to respond to the evaluation results if desired. All responses are maintained in the employee file. Requests may be susceptible to the standard records request protocol.

### SUPPORT STAFF

In order to receive a Year-end Evaluation, support staff must be employed with FLVS no later than April 1 of the fiscal year and be an active employee at the time the Year-end Evaluation is completed.

## PM002 – PERFORMANCE PAY

Policy Issue Date: 7/1/2018

Page 1 of 2

### POLICY:

FLVS aligns its performance pay plan with the requirements as identified in Florida Statute 1012.22. This statute provides the outline for instructional personnel and school administrator salary adjustments based on performance as documented via the annual performance evaluation process.

### PROCEDURE:

### ELIGIBILITY REQUIREMENTS

As defined in Florida Statute 1012.01(c), the employee population impacted by the performance pay requirements includes these regularly established positions:

- **Instructional Personnel**
  - » Instructors (fulltime and adjunct)
  - » Literacy Coaches
  - » Student Services Roles
  - » School Counselors
- **School Administrators**
  - » Instructional Leaders
  - » Principals/Assistant Principals

In order to be eligible to receive any compensatory benefits under this plan, an approved participant must be:

- Hired and in position no later than December 31 of the performance year under evaluation.
- In an approved position, receiving a year-end evaluation with an overall rating of Highly Effective or Effective.
- Approved participants meeting these requirements must also be an active employee at the time the plan distribution is paid.

All compensation changes for support staff operate independently from this plan with appropriate approval by the Board of Trustees.

### DISTRIBUTION, CALCULATION, AND PAYMENT

Subsequent to the determination of the ratings for all instructional personnel and school administrators, based upon the total funding available for performance-based raises (if any), and within the new Board salary schedules, increases will be provided as follows:

1. Instructional personnel and school administrators rated as “Highly Effective” will receive a certain percentage increase (to be determined) in their salary.
2. Instructional personnel and school administrators rated as “Effective” will receive a percentage increase in their salary ranging from 50 percent to 75 percent of the salary increase provided for the “Highly Effective” employees.
3. Student performance data is a major component in the determination of the employee’s overall rating. It is anticipated that the performance pay raise amounts will be determined in the subsequent fiscal year due to delays in the receiving of student performance data. Because of the complexity of determining end of year evaluation scores/ratings, it is anticipated that the performance pay raise amounts will be determined in the subsequent fiscal year.
4. Payrolls will be adjusted for the performance base pay increases as soon as practicable after the determination of the raise amounts has been made.

Per Statute 1012.22 (1) (c) (2) (b) any proposed cost-of-living raise for employees will be no more than 50 percent of the annual adjustment provided to instructional personnel rated as effective (see #2, above).

FLVS maintains a salary schedule that is reviewed and approved by the FLVS Board of Trustees. This salary schedule honors the statutory requirement for a “Performance Salary Schedule.” As FLVS issues employment contracts on an annual basis and is not bound to any other regulatory obligations beyond statutory requirements, all staff compensation is bound to this salary schedule and no other schedules are available under the “grandfathered” option.

FLVS recognizes that this statute provides the outline and requirements for the distribution of compensation increases for instructional personnel based on identified performance and evaluation results. Any compensation adjustments are reliant on the availability of funds and not subject to automatic issuance based on said performance evaluation results.

## PS001 – BUSINESS CONDUCT STANDARDS

Policy Issue Date: 7/1/2018

Page 1 of 4

### POLICY:

FLVS considers it absolutely essential for all employees to maintain the highest standards of integrity, honesty, and ethics. In addition to the requirements of Florida law, these guidelines are to be followed, to ensure the protection of FLVS reputation for integrity with its employees, customers, and in the business community.

Any employee who is presently in a situation, contemplating an activity, or is aware of an activity, which appears to be contrary to this corporate policy statement, should immediately notify his/her supervisor and the Professional Standards Department.

### CONFLICT OF INTEREST

We must avoid any relationship or activity that might impair, or even appear to impair, our ability to make objective decisions when performing our jobs. At times we may be faced with situations where the business actions we take on behalf of FLVS may conflict with our own personal or family interests. We owe a duty to FLVS to advance its legitimate interests when the opportunity so arises. We must never use FLVS property or information for personal gain or personally take for ourselves or our family members any opportunity that is discovered through our position with FLVS. The primary areas of potential conflict of interest include, but are not limited to, investment or participation in a business other than FLVS, employment by another company outside of FLVS working hours, the receiving of payment or loans from outside interests, and relatives working for suppliers of FLVS.

Here are some other ways in which conflict of interests could arise (this list is in no way exhaustive):

1. Becoming an investor, stockholder, or partner in the business of a customer, competitor, or supplier, if such employee is in a position to make or influence decisions of sale or purchase in either business.
2. Having a family member who is an investor, stockholder, or partner in the business of a customer or supplier, if such family member is in a position to make or influence decisions in either business.
3. Being employed (you or a family member) by, or acting as a consultant to a competitor or potential competitor regardless of the nature of employment, while you are employed with FLVS.
4. Serving as a board member for an outside commercial company or organization.
5. Having a personal interest, financial interest, or potential gain in any FLVS transaction.
6. Placing FLVS business with a firm owned or controlled by an FLVS employee or his/her family member.
7. Engaging in FLVS business with a firm where a point of contact and/or person performing the work for the firm is a family member of an FLVS employee.

This policy applies to all current employees and candidates for employment.

“Family member” or “relative” is defined as one of the following: relationships by blood - parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, and first cousin; and relationships by marriage – \_husband, wife (as defined by state law), step-parent, stepchild, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece, spouse/partner of any of the above, and co-habiting couples, engaged couples, or significant others.

Note: The above statements are not intended to prohibit the ownership of stock in any corporation whose securities are traded on a national stock exchange or over the counter.



## PS001 – BUSINESS CONDUCT STANDARDS

Page 2 of 4

FLVS will refrain from doing business with a supplier who has hired a former FLVS employee for a period of one year following the termination of said employee, in cases where the former employer:

Is the supplier salesperson engaged in soliciting the type of business involved, or possesses information gained during his/her FLVS employment, which would significantly increase the supplier's competitive position.

Failure to comply with this policy and/or willingly entering into a conflict of interest will result in discipline up to and including termination.

### GIFTS

FLVS employees should accept no gifts, trips, special events, monies, remuneration, or anything prohibited by Florida law from anyone doing business with FLVS.

There is no objection to the receipt or giving of modest, inexpensive remembrances at appropriate times, provided each is of a nominal value and bears the name or advertising message of the donor firm.

Similarly, there is no objection to essential business meals, business events, or occasional and infrequent social, sports, or entertainment events of a nominal and accepted nature. These meals/events should no way compromise the business decisions that must be made or place our customers or vendors in any position of obligation to those extending the invitation.

### PARTISAN POLITICS

Employees may not use their position at FLVS, or influence of the organization, for the purpose of:

- Affecting the results of an election
- Coercing or attempting to advise other employees to contribute to a political affiliation

### POSTAGE

- The use of FLVS paid postage for personal correspondence is prohibited.

### PROPRIETARY INFORMATION

Each employee must exercise good judgment and proper approvals when releasing information to fellow employees. Much information received by FLVS or received from other organizations is proprietary and is to be disclosed and used solely for the purposes for which it was received. Disclosure of such information to unauthorized persons is forbidden, not only because such information is a confidential asset that shall be protected, but also because unauthorized disclosure, even within FLVS, could cause FLVS to incur severe penalties.

## PS001 – BUSINESS CONDUCT STANDARDS

Page 3 of 4

Proprietary information includes, but is not restricted to, various kinds of confidential or private, financial, and business information. It includes records, letters, plans, manuals, programs, and services. Information concerning, but not limited to, personnel data, client proprietary information, etc. is also considered proprietary information.

Access to proprietary information is limited to those on a “need to know” basis. An employee’s first duty of loyalty in business matters is to FLVS.

Nothing herein shall be construed as permitting or authorizing a failure to comply within the Florida Public Records law.

Click on the following forms for information on FERPA:

[FERPA Privacy and Confidentiality in Student Education Records](#)

[FERPA Electronic Storage of Student Records](#)

[FERPA Statistical Methods for Protecting Identifiable Information in Aggregated Reporting](#)

### NON-DISCLOSURE (CONFIDENTIALITY)

The protection of confidential information is vital to the interests and success of FLVS. No FLVS employee is authorized to disclose confidential information to individuals who are not authorized to access the information. Such confidential information may include the following, but will be evaluated in accordance with Florida and Federal law:

- Confidential decisions
- Confidential memos
- Confidential reports
- HIPAA Information
- Organizational files
- Compensation data
- Computer files
- Computer processes
- Proprietary production processes
- Student records
- Technological prototypes
- Other confidential information
- Computer programs and codes
- Client/customer files
- Client/customer preferences
- Financial information
- Marketing strategies
- New materials research
- Pending projects and proposals
- Personnel files
- Research and development strategies
- Technological data
- Work products

## PS001 – BUSINESS CONDUCT STANDARDS

Page 4 of 4

All requests for information about a student (past or present) or a current, retired, or terminated employee or any FLVS information must be referred to the FLVS liaison officer, Records Management.

Vendors with access to confidential information will be required to sign a non-disclosure agreement as directed by the Purchasing Department.

Employees who improperly use or disclose confidential information will be subject to disciplinary action, up to and including termination of employment and legal action.

### PUBLICATIONS

FLVS is the owner of all rights, including copyrights of publications, materials, or intellectual property, to products developed or produced by an employee in the conduct of his/her job. Such materials will acknowledge and credit appropriate employee contributions. Employees named as contributors may not sell or assign any rights to such material to others, without the written permission of the President/CEO. Publications, materials, or other products may also be subject to restrictions and limitations by the funding source.

### PROPERTY

FLVS property, including but not limited to, tools, equipment, and supplies shall not be used for personal benefit or any other improper purpose. It shall not be sold, loaned, given away, or otherwise disposed of, regardless of condition or value, except with proper authorization.

### CRIMINAL CHARGES AND CONVICTIONS

Without exception, personnel actions involving employees accused of crimes will be treated on an individual basis, taking into account the nature and seriousness of the crime and other factors. As a general policy, employees formally charged with crimes may be suspended pending a court adjudication of guilt or innocence.

When an employee is convicted of a crime, or has accepted adjudication of a crime, the employee may be subject to termination.

### SAFETY

Working safely is a condition of employment. Failure to do so will result in disciplinary action, up to and including termination of employment. Each employee is expected to obey all safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition in their area to their supervisor and to the Facilities Department. FLVS provides a work environment in which safe operations are achieved while accomplishing all phases of work. Employees have the responsibility to exercise care and to perform work operations in accordance with safety rules and regulations. FLVS provides information to employees about workplace safety and health issues through regular internal communication channels such as management-employee meetings, bulletin board postings, memos, emails, and other written communication.

In using vehicles rented or used for FLVS purposes, safe driving practices and all traffic laws are to be observed. Under no circumstances is such a vehicle to be operated while the driver is under the influence of alcohol, drugs, or controlled substances. Any employee whose driver's license is suspended is prohibited, without exception, from operating a vehicle for FLVS business. While driving on FLVS business, no employee shall engage in texting or emailing.

## PS002 – COMMUNICATION REQUIREMENTS AND EXPECTATIONS

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

Voice and email communications are essential to business operations and are expected to be updated on a daily basis by all FLVS employees. Confidential information should not be left on voicemail. All electronic communications are considered “discoverable.”

FLVS has policies in place that govern use of its own systems, equipment, and resources. FLVS may also have an interest in employee communication with co-workers, customers, vendors, suppliers, competitors, and the general public on employee’s own time.

The use of telephone service for personal use at work shall be in accordance with FLVS instructions. FLVS telephones shall not ordinarily be used for personal long distance calls.

### PROCEDURE:

Communication protocols for all FLVS staff are as follows:

- Instructional staff are required to return calls within 24 hours. Support staff and non-exempt employees must return calls within 24 hours during a regular work week.
- All employees are expected to have a published business telephone line available for students, parents, staff, and customers. This phone must be answered in a professional manner, and the voicemail must have a professional greeting.
- The home phone may not be used as a business line for instructional staff unless employee obtained approval from his/her immediate supervisor. The home phone must be answered in a professional manner.
- During telephone contact time there shall be no background noise of any kind emanating from the work location.
- Cell phones used for FLVS business must have that phone number published in the FLVS directory and phone must be answered in a professional manner.
- Employees must utilize the Skype feature to allow for instant messages.
- Instructional employees receiving a communication stipend must have a publishable business cell phone number and a cell plan which includes: unlimited talking, text, and must be able to provide call logs.
- Instructional staff are required to talk personally with each student and the student’s parent at least once a month.
- School counselors should be contacted if there is a problem with a student. Instructional staff facing challenges reaching an external school counselor should use the assistance of an FLVS school counselor.
- Instructional staff are required to follow the communication procedures in the FLVS no contact guidelines if a student is not performing.

## PS003 – COACHING/COUNSELING/DISCIPLINE

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

FLVS has adopted a Coaching for Success process, designed to provide support and assistance to employees experiencing performance deficiencies. Coaching for Success is a guide but not a requirement to improving employee performance utilizing effective coaching and counseling strategies and includes documentation of incident(s), documented coaching plans and documented counseling plans. If coaching and counseling prove to be unsuccessful in achieving and sustaining desired performance levels, discipline including directive and/or reprimand, and/or employment termination will occur.

Any employee behavior that rises to the level of misconduct will be subject to immediate disciplinary action. Any employee of FLVS may be disciplined, up to and including termination of employment, for reasons including, but not limited to: violation of ethics rules, immorality, misconduct in the performance of duties, incompetence, gross insubordination, willful neglect of duty, drunkenness, convictions of any crime involving moral turpitude, violation of the rules and regulations of the Board, misconduct that endangers the health and safety of any person or that seriously disrupts FLVS, or any reason as stated in the Code of Business Conduct Policy PS001, Professional Standards.

### PROCEDURE:

1. All counseling plans will be 90 days (12 weeks) in length. The plan should exclude school holidays. The supervisor will issue the counseling plan verbally to the employee via conference call, video conferencing, phone conference discussion, or face-to-face meeting. Immediately following the verbal discussion, the supervisor will provide the employee the written counseling plan document to review and sign.
2. During the initial six weeks of the plan, the supervisor must meet weekly with the employee to review weekly progress, and highlight focus for the following week. The supervisor must provide the employee (and the designated Human Resources Manager) a written summary of their weekly meetings.
3. At the six-week check-in, the supervisor will hold a more formal cumulative review whereby the supervisor will assess and evaluate the employee's sustained progress/shortfalls since the plan was initiated.
  - a. If adequate improvements are made, the employee will continue with the remainder of the plan. (See bullet #4 for next steps.)
  - b. If the supervisor determines that the employee's performance does not demonstrate significant improvement to indicate that the expectations of this plan will be met, then the supervisor may request a pre-determination meeting (PDM) for termination recommendation by contacting the designated Human Resources Manager.
4. Between the six-week check in and the 12th-week check in, the supervisor will meet bi-weekly with the employee to review performance and highlight focus for the following two weeks. The supervisor must provide the employee (and the designated Human Resources Manager) a written summary of their bi-weekly meetings.
5. During the 12<sup>th</sup> week check-in, the supervisor will hold a more formal cumulative review whereby the supervisor will assess and evaluate the employee's progress since the plan was initiated and determine if:
  - a. Adequate improvements have been made and sustained therefore the plan ends successfully.
  - b. Adequate improvements have not been made or sustained leading to an escalation to Professional Standards for a request for a PDM.

## PS004 – DRUG AND ALCOHOL FREE WORKPLACE

Policy Issue Date: 7/1/2018

Page 1 of 2

### POLICY:

FLVS maintains a drug and alcohol-free workplace as part of its commitment to provide employees with a workplace that is safe and productive. This policy applies to all those in the employment of FLVS and/or while on FLVS property.

Employees may not engage in any of the following activities while on duty or off duty on FLVS premises or work sites (including rented vehicles for FLVS business or any private vehicle parked on FLVS-owned or leased premises or work sites) or while conducting FLVS business:

- Illegally possessing, distributing, transporting, using, selling, gifting, purchasing, manufacturing, or transferring controlled substances or illegal drugs.
- Reporting to work “under the influence” of alcohol, drugs, or controlled substances, regardless of whether consumed during or out of work time.
- Reporting to work “under the influence” of any over the counter substance or one prescribed by a physician which might impair the employee’s ability to perform safely and efficiently. (“Under the influence” is defined as being unable to perform work safely and productively and being in a physical or mental condition that risks the safety and well-being of the individual, other employees, the public, or FLVS property.)

Employees who engage in any of the activities defined in this policy may be reported to local law enforcement and subject to disciplinary action, up to and including termination.

Supervisory negligence in enforcing this policy may result in disciplinary measures. Any supervisor who knowingly allows an employee to operate a rented vehicle used for FLVS business, equipment, or machinery while under the influence of drugs or alcohol (including prescription drugs), which may impair his/her reflexes or judgment, is subject to disciplinary action, up to and including termination. In addition, any supervisor who is aware of an employee in violation of any section of this policy and fails to report it is subject to disciplinary action, up to and including termination.

**Note:** *FLVS shall require substance abuse testing for any employee injured while on duty.*

FLVS, based upon “reasonable suspicion” in connection with a drug investigation, may conduct searches of employee areas, desks, and other FLVS-issued equipment.

All electronic systems and hardware are subject to audits at any time.

**PROCEDURE:**

As a condition of employment:

1. Employees may be required to satisfactorily complete a rehabilitation program as a condition of continued employment. Employees may contact Human Resources, Benefits for more information about treatment options.
2. FLVS reserves the right to conduct tests of employees under the following circumstances:
  - » When on-the-job accidents occur
  - » When an employee's behavior suggests that he/she may be unfit for work
  - » When reasonable suspicion exists that there is possible substance abuse by the employee

# PS005 – EMPLOYEE USE OF SOCIAL MEDIA & BEST PRACTICES

Policy Issue Date: 7/1/2018

Page 1 of 4

## POLICY:

FLVS sees the use of social networking sites (e.g. Facebook, Twitter, YouTube, Pinterest, and LinkedIn), websites, blogs, wikis, and other Web tools as both a means of self-expression and a potential method of direct communication with students, parents, and/or the media and general public. At all times, readers may view an employee as a representative or spokesperson of FLVS, and as such, employees are expected to maintain an appropriate relationship with students at all times. When using social networking sites, websites, blogs, wikis, and other Web tools as a means of self-expression, FLVS considers this personal use. When employees use Web tools for personal use, they are expected to maintain a separation between their work and personal posting. Personal pages should never be used as an extension of an employee's online classroom. It is required that all employees keep their personal and professional use of Web tools separate.

Only employees who are **FLVS Authorized users** are permitted to use social networking sites and other Web tools as an extension to their online classroom or to share FLVS-related content (e.g. posting content for the class, communicating with students and/or parents, etc.). In order to become authorized, completion of the **FLVS Employee Social Media Approval and Authorization Process** documented within FLVSConnect is required.

FLVS reserves the right at any time to request the removal of approved personal websites that may disrupt the school environment, contain confidential school-related information, or that utilize the FLVS name, logos, or trademarks without permission.

Due to the above, FLVS requires that employees observe the following guidelines for Internet postings, regardless of the location of the Internet access.

## GUIDELINES

1. Employees must complete the **FLVS Employee Social Media Approval and Authorization Process** when using social media in relation to FLVS or on behalf of the organization. This includes communication with students, creation of an online classroom and student resources, or any other school-related use of social networking sites, websites, blogs, wikis, and other Web tools. Employees may not use personal websites or social networking profiles to post information in any attempt to communicate with students and/or parents about school-related matters.
2. Any employee or school-sponsored organization must complete the necessary training and authorization process and receive written approval from the Marketing designee by completing the FLVS Employee Social Media Approval and Authorization Process before creating or posting on a social networking site in his/her capacity as an employee or school sponsored organization of FLVS.
3. Requests for posting to appear on any website or social networking site that is owned, operated, or controlled by FLVS shall be submitted directly to the Marketing team for review, approval, and posting.



## PS005 – EMPLOYEE USE OF SOCIAL MEDIA & BEST PRACTICES

Page 2 of 4

4. Employees shall be respectful in all online communications and postings to or referencing FLVS, its students, and other employees. Employees shall be individually responsible for their personal postings on social media websites. Since such activities may be outside the scope of employment, employees may be personally liable for any claims of defamatory speech, pornographic, or proprietary, libelous postings creating a hostile work environment.
5. Employees are expected to maintain appropriate relationships with students and parents at all times. Employees are encouraged to block students from viewing personal social networking profiles, personal websites, and other online networking profiles to prevent the possibility that a student could view personal information or materials that are not appropriate. If an employee creates and/or posts inappropriate content to his/her website or online profiles and it has a negative impact on the employee's ability to perform his/her job as it relates to working and interacting with students and/or parents, the employee will be subject to discipline, up to and including termination. This section applies to all employees and volunteers working with FLVS.
6. Employees shall comply with all policies and procedures of FLVS with respect to the use of computer equipment, electronic devices, and networks with accessing social media sites.
7. Employees shall not post any content or links on personal or authorized social networking profiles that negatively impact FLVS or its customers. All posts on personal social networking profiles must comply with FLVS and Board of Education policy and procedures concerning confidentiality.
8. All Board of Education policies that regulate off-duty conduct shall apply to social media activity including, but not limited to, policies related to public trust, illegal harassment, code of conduct, and protecting confidential information.

### MANAGEMENT DIRECTIVE WITH USING AUTHORIZED AND PERSONAL SOCIAL MEDIA

**Confidentiality:** Do not post FLVS confidential or proprietary information about Florida Virtual School, its faculty, its students, its affiliates, or its employees. School and local policies, applicable federal and state laws and regulations such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Family Educational Rights Privacy Act (FERPA) (among others), and your supervisors should be consulted for guidance on restrictions related to the release of confidential information.

**Privacy:** Do not post anything that you would not present in any public forum. In particular, do not discuss a situation involving named or pictured individuals on a social media site without their knowledge or permission.

**Permanence:** Remember that whatever you share (either as an authorized user or with your own personal account) may be public for an indefinite period of time, even if you attempt to modify or delete it.

**Audience:** Be careful what personal information you share online. Many social networking websites are not secured and information is available to anyone with access to a computer and the Internet.

**Association:** Keep in mind that on many social networking websites, your name and photo/icon appear next to the content that you post and will be associated with you or the school when you are representing Florida Virtual School or its affiliates on the Web.

**“Do No Harm”:** Florida Virtual School encourages the use of social media to enhance its education and research through collaboration, communication, and promotion of research and programs. You must ensure that your authorized use of social media does not harm or otherwise injure the school, its faculty, its students, or its employees.

**Personal Responsibility and Liability:** Communications made via social media are not exempt from the expectations and obligations set forth in the Florida Virtual School policies or from the laws and regulations that govern personal liability across general and traditional forms of communication. You are responsible for what you post on your own site and on the sites of others. You should only post on behalf of Florida Virtual School or its affiliates when you have been explicitly authorized to do so.

**Incidental Use:** Florida Virtual School understands that employees utilize social media and the Web for personal matters in the modern workplace. While Florida Virtual School reserves the right to monitor use of its computer systems, employees may engage in incidental personal use of social media in the workplace so long as such use does not consume significant time or resources, interfere with operations and productivity, and does not violate other school policies. A disciplinary or other review may be initiated if an employee’s online activity violates law or Florida Virtual School policy, or if the employee’s non-official or unauthorized online activity otherwise subjects the school to liability for such acts.

**Transparency:** To both protect the Florida Virtual School name and build trust with users, social media such as blogs, Facebook pages, Twitter feeds, etc. that are established as an authorized user should be explicit regarding the nature of the relationship to Florida Virtual School. As an authorized user, you should clearly state your position within the school and the limits of your authority to speak on behalf of the school. Similarly, in keeping with the non-profit status of Florida Virtual School, social media should not be used to promote or transact any commercial business or financial transactions, including revenue from advertising, nor should any staff with administrative responsibilities realize any personal monetary profit from Florida Virtual School-related social media.

**Use of the Florida Virtual School Name:** There are unique challenges associated with using the Florida Virtual School name in social media, such as the potential need to abbreviate a program or entity name for a Twitter account. Use of the Florida Virtual School logo is not permissible as a profile photo or on a blog unless express permission is granted according to the procedures set forth in the FLVS Employee Social Media Approval and Authorization Process.

**Potential conflicts and red flags:** Get approval for a post when:

- » Responding to a negative post. If a blogger or any other online participant posts an inaccurate, accusatory, or negative comment about the school, an employee, student, or parent, do not engage in the conversation without prior approval of the marketing manager.
- » Posting recommendations for colleagues. Posting recommendations of colleagues is a tool of professional social networking sites. Be aware that the recommendations and comments you post about other current and former employees or companies can reflect upon Florida Virtual School, even if you are making the recommendations personally and not on behalf of FLVS.
- » If you are contacted directly by a journalist regarding Florida Virtual School, direct the query to the Marketing and Communications Department for them to respond to the journalist.

**Crisis/Issues Management:** During a crisis or public issue (those that directly or indirectly affect FLVS staff or students), all FLVS authorized social media users are to post only approved images and copy shared on the main FLVS social media accounts by Marketing. All additional links, copy, or images are prohibited, unless otherwise approved by the Communications Department.

**Accessibility:** Florida Virtual School is committed to ensuring effective access to communications materials for all members of the School community, including individuals with disabilities. Individuals who are blind or have low vision or other disabilities may confront significant barriers when accessing certain information through social media. Accordingly, authorized users of social media and other Web tools should take steps to reduce barriers to access for individuals with disabilities by utilizing platforms which offer enhanced readability and uniformity as outlined by the FLVS Employee Social Media Approval and Authorization Process.

**For Supervisors/Managers:** While social media continues to evolve and develop as an effective tool for advertising positions at the school, recruiting candidates, and sometimes communicating with staff, it does not replace or otherwise eliminate the need to use the school's existing recruitment systems, including processes for posting positions, collecting of applications, conducting background checks, extending offers of employment and other related activities. All applicants must apply through the website system in order to be considered an applicant for a job. Offers and decisions of employment should only be extended, or approved through existing and accepted processes, and should not be communicated through social media.

**Correct Mistakes:** Be sure to correct any mistakes you make immediately and make it clear what you've done to fix it. If it's a MAJOR mistake (e.g., exposing private customer or employee information or reporting confidential information), please let your manager know immediately so proper steps can be taken to minimize the negative impact.

**Be Aware:** You should be aware that many commercial sites (such as YouTube and Facebook) impose "click through" Terms of Service agreements that may not be acceptable for a public institution to execute. For example, these sites require a statement of "indemnification" and agreement to be sued in another state, such as California or New York. So, if you are going to use these sites, you must understand that your agreement to these terms is being taken in your personal capacity alone and you are not authorized to enter into said agreement on behalf of FLVS without prior written authorization from the Office of Professional Standards. In other words, you will be personally, solely responsible for any legal claims that might arise as a result of the agreement you "signed" by clicking to agree on the terms of service.

**Plan Ahead:** It's important that communications describing the school's official activities or programs are coordinated and purposeful. Consider how often you're going to post updates and make sure the connection to Florida Virtual School is clear by following the guidelines as outlined within the FLVS Employee Social Media Approval and Authorization Process.

**Respect copyright and other legal rights:** Social media sites require respect for copyrights, privacy, and other legal rules. Remember that material that is fine to post or host in an access-restricted, internal environment may not be okay to post to a social media site.

### DISCIPLINARY ACTIONS

If an employee violates any of the preceding policy provisions, appropriate disciplinary actions may be taken.

# PS006 – OWNERSHIP OF INTELLECTUAL PROPERTY

Policy Issue Date: 7/1/2018

Page 1 of 1

## POLICY:

FLVS considers all intellectual property, including copyrights, patents, protectable designs and the like, that are developed by any FLVS employees or contractors under contract with FLVS, owned by FLVS.

## COPYRIGHTS

Under Copyright Laws, any copyrightable material that is prepared by an employee of FLVS automatically belongs to FLVS, with FLVS being considered the author of that material. If such works are prepared outside of regular work hours, but still pertain to the work of FLVS, that material is to be presented to FLVS for determination of whether to claim title to the work. If FLVS acknowledges the work has been performed completely outside of work hours and with no involvement of FLVS or FLVS assets, such work should still be presented to FLVS for consideration, but FLVS will generally recognize the person creating the work as the owner. In any event, the work should be presented to FLVS for such a determination.

## PATENTS

All patentable inventions that are developed in the course of regular work by an FLVS employee and used either equipment or supplies owned by FLVS are to be assigned to FLVS for possible preparation of a patent application. Upon completion of that application, each of the inventors shall assign to FLVS all of the rights and interests that such person has in the invention. All such inventors are to cooperate fully with FLVS in securing patent protection for such an invention. This cooperation may include an assignment of the patent's rights to FLVS and cooperation in the process of obtaining a patent.

Where outside contractors/consultants/vendors are to be engaged to assist in developing a copyrightable work or a potentially patentable invention, employees are to include in such engagement and agreement for the contractor/consultants/vendors and its employee to assign all rights in the copyrightable works or the patented invention to FLVS. Any time that such an arrangement is proposed, those persons involved in negotiating the contract must contact the Office of Professional Standards for FLVS for preparation of an agreement assigning the rights in the work and material to FLVS. Office of Professional Standards of FLVS shall be made aware of such properties at the planning stages of such a project.

## PS007 – PROFESSIONALISM/DRESS CODE

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

FLVS expects all employees to maintain a professional demeanor at all times. This includes actions and presentations. First impressions are an important part of how our customers perceive our organization.

Personal behavior can involve conduct that may project image, morale, or managerial problems for FLVS. Employees must conduct themselves in a professional manner at all times while representing FLVS. Violations of this policy will be subject to disciplinary action, up to and including termination.

Professional dress is required while working at or visiting the office and when representing FLVS publicly.

### MEN

- Business suit or appropriate business shirt and dress slacks
- Business shoes

### WOMEN

- Business shirt or blouse with a skirt or dress slacks
- Business suit or dress
- Business shoes

Inappropriate attire, not in the best interest of our organization and not permitted, includes:

- Jeans (except on Fridays or as directed by management), shorts, t-shirts, tennis shoes, hiking boots, and flip flops
- Clothing with inappropriate emblems or logos

### TATTOOS AND BODY PIERCINGS

Tattoos and body piercings are contrary to the image of FLVS. Employees must cover their tattoos and remove facial piercings, including any tongue or upper ear piercing, while on FLVS worksite or while conducting FLVS business. Ear piercings should only be located at the lower portion of the ear lobe and should not be eccentric.

## **PS008 – VISITORS IN THE WORKPLACE**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

To provide for the safety and security of employees and the facilities of FLVS, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors enables FLVS to maintain safety standards, protect against theft, ensure security of equipment, protect confidential information, safeguard employee welfare, and avoid potential distractions and disturbances.

If an unauthorized visitor is observed on FLVS premises, employees should immediately notify the front desk receptionist, located on the first-floor lobby.

Any individual not a current employee of FLVS requesting a tour of the VLC must have approval from the Facilities Manager. Anyone touring the facilities must provide his/her full name, and company he/she represents. All tours will be conducted by either the Facilities Manager, or a representative approved by the Facilities Manager.

# PS009 – FOREIGN CORRUPT PRACTICES ACT (FCPA)

Policy Issue Date: 7/1/2018

Page 1 of 4

## POLICY:

The purpose of this policy is to establish guidelines for all staff transacting business with foreign governments and to assure compliance with the Foreign Corrupt Practices Act (FCPA), as amended from time to time.

## BACKGROUND

The Foreign Corrupt Practices Act was originally adopted in 1977 in response to an investigation by the Security and Exchange Commission which discovered that a number of U.S. companies and their foreign affiliates were making improper payments to foreign officials in order to obtain and retain business in those foreign venues. Generally, the FCPA makes bribery of foreign officials, foreign political parties and their officials, and candidates for foreign political office a federal crime, if done for the improper purpose of (i) obtaining business, (ii) retaining business, (iii) directing business to bribing party or others, or (iv) obtaining an improper competitive advantage. The act has a direct bearing on the business practices of individuals and entities in international venues. It applies to the Company (including its controlled foreign subsidiaries), its officers, employees, and agents in the United States and abroad. Violations of the FCPA could subject the Company to substantial fines, and individuals to both fines and/or imprisonment.

*Bribery of any government official (not just “Foreign Officials” as defined by the FCPA) is contrary to Company policy. Violation of this prohibition could be grounds for termination of employment.*

The FCPA also requires the keeping of books, records, and accounts “which in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets” of the company (i.e., detailed and accurate recording of all transactions) and the maintenance of a “system of internal accounting controls sufficient to provide reasonable assurances” that transactions have authorization and are recorded in a manner that allows preparation of financial statements in accordance with generally accepted accounting principles. The main purpose of the accounting provision is to prevent the use of off the book bank accounts and slush funds used to make prohibited payments to foreign officials, foreign political parties, and foreign political candidates.

In addition to the FCPA, most of the countries in which the Company operates are signatories to the *OECD Convention on Combating Bribery of Foreign Officials in International Business Transactions* and have adopted law similar to the FCPA. This policy applies globally to all majority-owned subsidiaries and affiliates and is intended to ensure compliance with all anti-bribery laws of the countries in which the Company operates, not just the FCPA. If you have any questions about compliance with a specific country’s law, please contact the Chief Compliance Officer.

### I. Prohibited Conduct:

- A. Prohibited Payments to “Foreign Officials”: It is prohibited for a company, or any officer, director, employee, agent or shareholder acting on its behalf to offer, promise to pay or authorize payment of money or **anything of value** to influence an act or decision of a foreign official, foreign political party, foreign political party official, or foreign political candidate in his/her or its official capacity and in violation of his/her lawful duty, or to induce the use of influence with a foreign government, or government owned company or instrumentality in order to (i) obtain business, (ii) retain business, (iii) direct business to the bribing party or others, or (iv) obtain an improper advantage.

1) What is a “Foreign Official”?

A “foreign official” means any officer or employee of or any person acting in an official capacity on behalf of a foreign government or any department, agency, or instrumentality of that government, or of a public international agency (such as the World Bank or the Organization of American States). An official can also be an officer or employee of a government owned company, such as government owned telecommunications, transportation, health care, or even oil companies. It also extends to foreign political parties, political party officials, or candidates for political office.

2) What is “Anything of Value”?

The term “anything of value” is a very broad term under the FCPA, which extends far beyond the mere giving of money. It could also include granting scholarships for family members, upgrades to first class airfare, side trips to resorts, hiring a family member for a summer position, paying bills, providing payment for work not performed, or permitting a government official to designate where a charitable contribution will be made.

- B. Prohibited Payments to Agents: The payment need not be made directly to the foreign government official, political party, party official or candidate to be prohibited. Payments made to third parties such as agents, brokers, lawyers, middlemen, etc., are also prohibited if the person making the payment knows that all or a portion of the payment will be offered, given or promised to a foreign government official, foreign political party, foreign political party official or candidate for foreign political office for the purposes set forth in Section I (a) above. The FCPA provides that a person has knowledge if he knows that the person to whom the payment is made is (i) going to make such a prohibited payment to a foreign official, party, party official or candidate; (ii) that he has made such payments in the past; or (iii) that the circumstances indicate that such payments are substantially certain to occur. Knowledge will automatically be established if a person is aware of circumstances indicating a high probability that the prohibited payment might occur unless the person actually believes such circumstances do not exist.

Therefore, if you are dealing with an agent or a broker and the transaction involves a foreign government or foreign government-owned company, or the product you are purchasing is produced by a foreign government owned company, you should pay special attention to the (i) size of the commission the agent is to receive; (ii) the reputation of the agent involved; (iii) the reputation of the government involved for corrupt activity; (iv) if the foreign customer or supplier recommends a specific broker or agent, (v) the broker has family ties to the government and (vi) any other suspicious circumstances that might make you aware of the possibility that the broker or agent might be making a payment prohibited by the FCPA and this Policy. Use common sense. If the deal is too good to be true, then it probably is. Look at the above circumstances as red flags which must be investigated and cleared before you can move forward with the transaction. Conduct an appropriate investigation to resolve any doubts. If there is any doubt in your mind that a prohibited payment might be made by the broker, consult the Office of Professional Standards.

- C. Political Contributions: Contributions to foreign political parties and campaigns of foreign candidates for political office which are paid for by the Company (including the reimbursement of payments made by officers or employees) are prohibited without Office of Professional Standards’ authorization.
- D. Compliance with Foreign Laws: No payment or gift of any kind whatsoever shall be made to a foreign government official, political party, party official or political candidate which violates any law, regulation or decree of the country involved.



II. Which Company Entities are Subject to this Policy?

The FCPA not only applies to U.S. persons and corporations and other business entities, but also to foreign subsidiaries of the U.S. companies if the U.S. company exerts “control” over the foreign subsidiary. A number of factors are reviewed to determine if the U.S. company exerts control such as: (i) does the U.S. company own all of the stock of the foreign subsidiary, (ii) do the U.S. and foreign entities have common directors and officers, (iii) whether the U.S. company refers to the foreign entity as its subsidiary, department, or division, (iv) whether the management of the foreign entity does not act independently of the U.S. entity, but obtain approvals and seeks guidance from the U.S. entity, and (v) whether the U.S. entity is substantially involved in or directs the day to day activities of the foreign affiliate.

In addition to the FCPA, most of the countries in which the Company and its legal entities operate are signatories to the *OECD Convention on Combating Bribery of Foreign Officials in International Business Transactions* and have adopted laws similar to the FCPA. As a result, the Company has taken the position that its foreign majority-owned subsidiaries and affiliates must comply with the Policy (whether or not they may be subject to the jurisdiction of the FCPA).

III. EXCEPTIONS: Routine Government Action:

The FCPA provides that facilitating or expediting payments to a foreign official, foreign political party, or party official for the purpose of expediting or securing the performance of a routine governmental action by a foreign official, political party, or party official are not prohibited by the FCPA. Remember, however, such payments still could be prohibited and subject to penalties under local foreign law. Therefore, any such payments must be in compliance with the laws of the country involved to be permissible under the Policy. The FCPA states that “**routine governmental actions**” means only an action ordinarily and commonly performed by a foreign official in:

- (1) obtaining permits, licenses, or other documents to qualify a person to do business in a foreign country;
- (2) processing government papers such as visas and work orders;
- (3) providing police protection, mail pick-up and delivery, or scheduling inspections associated with contract performance or inspections related to transit of goods;
- (4) providing phone service, power, and water supply, loading and unloading cargo, or protecting perishable products or commodities from deterioration;
- (5) other clerical or ministerial acts of a similar nature.

However, the FCPA emphasizes that in order for a matter to be considered routine governmental action, it **may not** (i) constitute new business or the continuation of existing business or (ii) concern action taken by a foreign official involved in the decision-making process, to encourage a decision to award new business or continue old business with a particular party.

Therefore, the FCPA limits the exception to basically such routine ministerial and clerical government actions, as listed above in which the facilitating payments are designed to motivate officials required to perform these functions to perform them faster. Such expenses must be accurately documented on the particular officer’s, director’s or employee’s expense account. Facilitating payments should be avoided, if possible. As the permissibility of most facilitating payments are dependent on the specific facts, such payments should not be made without obtaining approval from the Controller with concurrence by the Office of Professional Standards.

IV. Defenses to Prohibited Conduct:

The Act provides that it shall be an affirmative defense to the prohibited conduct outlined above, if:

1. the payment, gift, offer or promise was lawful under the written laws of the particular foreign country, and
2. the payment, gift, offer or promise was a reasonable and bona fide expenditure such as travel, lodging or meals incurred on behalf of a foreign official, party official or foreign political candidate and was directly related to the promotion, demonstration, or explanation of products or services of FLVS or the execution of performance of a contract with a foreign government or agency thereof.

Expenditures made for gifts and travel, meals, entertainment, and other social amenities must not be extravagant and must conform to the laws and customs of the country in which they occur. All furnishing of transportation or lodging for foreign officials must receive prior clearance from the Office of Professional Standards. All such payments must be accurately documented and reported to the Office of Professional Standards and the Controller.

V. Penalties:

Violation of the anti-bribery provisions of the FCPA are enforced by the Justice Department and can result in criminal fines of up to (i) \$2,000,000 for each violation by a corporation or other entity; (ii) \$100,000 per violation for officers, directors, employees, and agents for willful violation of the Act; and (iii) up to five years imprisonment. Criminal violations of the accounting and record keeping provisions are enforced by the Securities and Exchange Commission and can result in a maximum prison sentence for individuals of up to 20 years and fines of up to \$5 million, or both and fines of up to \$25 million for entities. In addition, civil penalties of up to \$10,000 for each violation can be assessed against the corporation and its officers, directors, employees, and agents. The Act specifically provides that an officer, director, employee, agent, or stockholder acting on behalf of the corporation cannot be reimbursed by the corporation for any fines which are assessed against them.

VI. Reporting:

Appropriate procedures for determining the amount of facilitating payments and reporting of such amounts are the responsibility of each function. Such reports are to be forwarded to the Controller not less than quarterly. The date of the payment, the person to whom it was made, its purpose, and the amount of the payment must be accurately documented.

VII. Interpretation and Guidance:

This policy is intended to make company personnel aware of the types of issues which may have FCPA implications. Any transactions which raise FCPA implications should be referred to the Office of Professional Standards at 407-513-3451 or the independent third party hotline at 866-773-3022.

VIII. Training:

At least once a year the Office of Professional Standards will conduct a review of the Foreign Corrupt Practices Act with personnel involved in international business transactions.

## PS010 – CODE OF CIVILITY

Policy Issue Date: 7/1/2018

Page 1 of 3

### POLICY:

The education of a child happens only through partnership, and among partners must be the child, the school faculty and staff, the parent(s) or guardian(s), the community and district office employees. Partnership is an active state that includes sharing responsibilities, meaningful communication, and welcomed participation. When people who are working together agree, the partnership runs smoothly. But no two people will always agree and that can make partnership difficult. The partnership is most powerful – as children are educated to reach their potential – when we agree on how to disagree. We must be civil in our discourse.

Civility is often described by its absence. We hear of harmful actions such as road rage, physical confrontation, ethnic stereotypes, and slurs. But civility is not just an absence of harm. It is the affirmation of what is best about each of us individually and collectively. It is more than saying “please” and “thank you.” It is reflecting our respect for others in our behavior, regardless of whether we know or like them. It also is not simply being politically correct and is not to be used to stifle criticism or comment. It is being truthful and kind and is each of us taking responsibility for our own actions rather than blaming others.

As we communicate with each other, we need to remember that we are working together to benefit the children of this community.

*Therefore, the Florida Virtual School Board of Trustees requires that as we communicate, students, FLVS faculty and staff, parents, guardians, and all other members of the community shall:*

1. **Treat each other with courtesy and respect at all times.** This means that:
  - We listen carefully and respectfully as others express opinions that may be from ours.
  - We share our opinions and concerns without loud or offensive language, gestures or profanity.
2. **Treat each other with kindness.** This means that:
  - We treat each other as we would like to be treated.
  - We do not threaten or cause physical or bodily harm to another.
  - We do not threaten or cause damage to the property of another.
  - We do not bully, belittle or tease another and we do not allow others to do so in our presence.
  - We do not demean and are not abusive or obscene in any of our communications.
3. **Take responsibility for our own actions.** This means that:
  - We share information honestly.
  - We refrain from displays of temper.
  - We do not disrupt or attempt to interfere with the operation of a classroom or any other work or public area of a school or school facility.

**4. Cooperate with one another.** This means that:

- We obey school rules for access and visitation.
- We respect the legitimate obligations and time constraints we each face.
- We respond when asked for assistance.
  
- We notify each other when we have information that might help reach our common goal. This will include information about safety issues, academic progress, changes that might impact a student’s work or events in the community that might impact the school.
  
- We understand that we do not always get our way.

## AUTHORITY AND ENFORCEMENT OF THE CODE OF CIVILITY

Authority and enforcement of a code for civil conduct ultimately depends on the individual and collective will of those involved – students, FLVS faculty and staff, parents, guardians and all other members of the community. However, individuals need to know how to respond to uncivil behavior and how such behavior will be responded to. The school board does not condone a lack of civility by anyone. Therefore:

1. A student who believes that he/she has not been treated in a manner reflective of the Code of Civility should report such behavior to the appropriate school administrator.
2. A parent, guardian, or community member who believes that he/she has not been treated in a manner reflective of the Code of Civility should report such behavior to the staff member’s immediate supervisor.
3. An employee who believes that he/she has not been treated in a manner reflective of the Code of Civility should use the following guidelines:
  - a. If personal harm is threatened, the employee may contact law enforcement.
  - b. Anyone on school district property without authorization may be directed to leave the premises by an administrator or security officer. Anyone who threatens or attempts to disrupt school or school district operations, physically harm someone, intentionally cause damage, uses loud or offensive language, gestures, profanity, or shows a display of temper may be directed to leave the premises by an administrator or security officer.
    - » If such person does not immediately and willingly leave, law enforcement shall be called.
  - c. If a telephone call recorded by an answering machine, email, voicemail message or any type of written communication is demeaning, abusive, threatening, or obscene the employee is not obligated to respond.
    - » If personal harm is threatened, the employee may contact law enforcement.
    - » The employee shall save the message and contact his/her immediate supervisor or school district security.

- d. If any member of the public uses obscenities or speaks in a demeaning, loud, or insulting manner, the employee to whom the remarks are directed shall take the following actions:
- » Calmly and politely ask the speaker to communicate civilly.
  - » If the verbal abuse continues, give appropriate notice to the speaker and terminate the meeting, conference, or telephone conversation.
  - » If the meeting or conference is on school district premises, i.e. student lab at FLVS headquarters, request that an administrator or authorized person direct the speaker promptly to leave the premises.
  - » If the speaker does not immediately leave the premises, an administrator or other authorized person shall notify law enforcement to take any action deemed necessary.

# PS011 – EMPLOYEE CRIMINAL ACTIVITY RECORD

Policy Issue Date: 7/1/2018

Page 1 of 2

## POLICY:

FLVS requires employees to self-report all arrests, notices to appear, and convictions (with the exception of minor traffic offenses) **within 48 hours** to the Florida Virtual School Professional Standards Department at 407-513-3692.

FLVS is required to file legally sufficient complaints of violations of the Educator’s Code of Conduct with the Department of Education. The Department of Education may also take action against an educator who fails to report a violation.

NOTE: There may be occasions in which an employee may be placed on relief of duty following an arrest report while an investigation is being conducted.

### ***Arrests shall include cases in which:***

- Employee was taken into custody.
- Employee received a notice to appear.
- Charges of criminal misconduct from which the employee was not taken into custody.

### ***FLVS will evaluate all outcomes and any of them may or may not be considered grounds for discipline up to and including discharge:***

- Conviction
- Finding of guilt
- Withholding of adjudication
- Commitment to a pre-trial diversion program
- Entering a plea of Nolo Contendere, for any criminal offense other than a minor traffic accident.

## CRIMINAL TRAFFIC VIOLATIONS

Criminal traffic violations are not minor and must be reported. Minor traffic violations, as defined according to Florida Statute 318.13 (3), are as follows:

- Infraction means a non-criminal violation that may require community service hours under Section 316.027 (4), but is not punishable by incarceration and for which there is no right to a trial or right to court-approved council.

## EDUCATOR

- Educator is defined as any individual who holds certification and any administrator required to hold a teaching certificate.

## PS011 – EMPLOYEE CRIMINAL ACTIVITY RECORD

Page 2 of 2

### PROCEDURE:

Immediately self-report arrests and convictions to Professional Standards at 407-513-3692, a 24-hour a day message center. The employee must provide a written follow-up statement, police report, and court documentation within five business days of leaving the message with the Professional Standards Department. Failure to report may result in disciplinary action, up to and including termination. Notices shall not be considered an admission of guilt.

## PS012 – EMPLOYEE CODE OF ETHICS

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

FLVS values each employee as a vital partner in fulfilling its mission of providing course content that is based on a rich, collaborative, and active environment. Students learn at an individual pace and instructors can focus on providing individualized instruction and accommodate multiple learning styles. FLVS is committed to ensuring that each employee is afforded the best opportunity to fulfill his/her role as a professional.

FLVS requires that each employee make a commitment to the Employee Code of Professional Ethics. All FLVS Employees will:

1. Observe all established lines of management and supervision out of respect for colleagues and for the good of the organization;
2. Handle all confidential and sensitive information with the utmost discretion to engender trust among all of their colleagues;
3. Conduct themselves at all times in a manner that demonstrates and promotes respect, fairness, and good faith;
4. Demonstrate and promote a genuine and unconditional respect for the proprietorship of FLVS;
5. Neither engage in nor condone harassment or discrimination of any kind;
6. Strive to provide the highest quality of professional service by continually enhancing knowledge and skills in order to perform responsibilities in accordance with the highest standards of professional practices and with the highest degree of personal integrity;
7. Exhibit a genuine interest in all students and courses and commit to supporting and assisting school staff in building strong and successful programs;
8. Support the work of all colleagues and assist them as appropriate in the efficient and successful completion of common tasks;
9. Participate as appropriate in the development of policies and procedures that will promote the efficiency, effectiveness, and success of FLVS;
10. Comply with all Florida and Federal laws and the Principles of Professional Conduct for the Education Profession in Florida; click the following link: **Ethics in Education**;
11. Exercise care and perform work operations in accordance with safety rules and regulations; and
12. Not solicit money or services from employees/parents/vendors unless otherwise approved by Legal.



## PS013 – EQUAL EMPLOYMENT OPPORTUNITY

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

FLVS does not discriminate in admission or access to, or treatment or employment in its programs and activities, on the basis of race, color, religion, age, sex, national origin, marital status, disability, or any other reason prohibited by law. The Equal Employment Opportunity officer responsible for compliance is the Executive Director of Professional Standards (407-513-3692).

It is the belief of FLVS that, as a principle of sound business management, employment and advancement opportunities should be offered to the most qualified individuals without regard to race, color, religion, ancestry, marital status, sex, age, physical or mental disability, sexual orientation, national origin, veteran status, or any other reason prohibited by law. This includes all privileges and conditions of employment such as recruiting, hiring, working conditions, compensation, training, upgrading, promotion and lateral movement, demotion, and termination.

Freedom from discrimination includes freedom from sexual harassment. FLVS prohibits sexual harassment of its employees. Harassment may take many forms, including spoken remarks, physical contact, or visual displays of offensive or inappropriate material.

No employee is required to tolerate or submit to sexual advances as a condition of employment.

Employees who have complaints of discrimination or sexual harassment must report such conduct to their supervisors and/or Professional Standards at 407-513-3692. All reports will be thoroughly investigated. Prohibited or improper conduct will result in prompt corrective action, up to and including termination.

FLVS Equal Employment Opportunity Policy is posted on FLVSConect, under Employee Resources and posted at FLVS headquarters.

## PS014 – GRIEVANCES

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

FLVS ensures that an employee who has a complaint concerning a hostile work environment, disciplinary action, denial of promotion, or discrimination has the right to file a grievance. A grievance may be between FLVS and a current employee, or a current employee and any other current employee of the organization, or a person grieving his/her termination. A contract non-renewal is not discipline and therefore cannot be grieved.

The employee and his/her supervisor shall make every effort to resolve disputes through informal discussions. If unsuccessful, FLVS grievance procedure may be initiated.

If the grievance remains unresolved, the grievant may file a written request for review by the President/CEO or designee. The President/CEO or his/her designee will provide a written response within six working days. The decision of the President/CEO or designee will be final and non-appealable.

### PROCEDURE:

1. If the grievance involves the employee's supervisor, the employee shall proceed directly to Professional Standards.
2. The employee shall formally raise the grievance verbally with his/her immediate supervisor within 20 days of the incident in question. The immediate supervisor shall give a verbal answer within six working days after the grievance is raised. The supervisor will document all conversations.
3. If the grievance is not resolved in Step 1, the grievant shall prepare a written statement regarding the grievance within six working days and file it with the Executive Director of Professional Standards.
4. Professional Standards shall discuss the grievance with the grievant and the immediate supervisor within six working days and prepare a written response within six working days. The response shall be signed and dated by the grievant acknowledging receipt.
5. If the grievance remains unresolved after Step 2, within six working days of the conclusion of Step 2, the grievant may file a written request for review by the President/CEO or his/her designee. The President/CEO or his/her designee will provide a written response within six working days. The decision of the President/CEO or designee will be final and non-appealable.

# PS015 – HARASSMENT-FREE ENVIRONMENT

Policy Issue Date: 7/1/2018

Page 1 of 2

## POLICY:

FLVS provides a work environment free of harassment, intimidation, hostility, and other offensive conditions. Employees who commit these or any types of sexual and other harassment will be subject to disciplinary action, up to and including termination.

## PROCEDURE:

### ***Definitions***

Sexual harassment may include, but is not limited, to the following:

- Repeated offensive or unwelcome sexual flirtations, advances, and propositions
- Verbal abuse of a sexual nature
- Graphic verbal commentaries about an individual's body
- Sexually degrading words used to describe an individual
- Sexually related conversations, both verbal and electronic
- Visual conduct such as leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters
- Physical conduct such as touching, assault, or impeding or blocking movements
- When the granting or denial of a job benefit is conditional upon assenting to, or rejection of, unwelcome sexual advances, requests for sexual favors, or physical contact of a sexual nature
- Inappropriate touching (i.e., hugging, kissing, massaging, sitting on laps, etc.) of another employee, customer, or client

Other forms of harassment may include, but are not limited to:

- Repeated slurs and any other offensive remarks
- Written offensive language, jokes, or other verbal graphic or physical conduct
- Continuing humiliation, ridicule, etc. based on a protected category
- When the harassment is unreasonably abusive, presents an offensive work-related environment, and adversely affects an employee's ability to perform his/her job duties
- When the conduct is severe enough to alter the conditions of employment and create an abusive working environment
- Any other behavior of a sexual nature

### INTERNAL COMPLAINT PROCEDURE

Any employee who has a complaint regarding harassment on the job should promptly report the complaint to Professional Standards at 407-513-3692. It is Professional Standards' responsibility to conduct a timely and fair investigation of the charges, while maintaining as much confidentiality as possible. However, should the employee be unable to discuss the situation with his/her manager, due to the sensitivity of the matter, the employee is encouraged to contact Professional Standards directly.

Harassment of an employee in connection with his/her work by a non-employee may also be a violation of this policy. Any employee who experiences or observes harassment by a non-employee should report the situation to his/her manager. Appropriate action will be taken against violation of this policy by reporting the situation to Professional Standards.

All employees who file a complaint to Professional Standards are protected from retaliation. Any employee who believes he/she is being retaliated against must contact Professional Standards immediately.

## PS016 – FRAUD REPORTING

Policy Issue Date: 7/1/2018

Page 1 of 2

### POLICY:

The Fraud Reporting policy is established to facilitate the development of controls that will aid in the detection and prevention of fraud at FLVS. It is the intent of FLVS to promote consistent organizational behavior by providing guidelines.

This policy applies to all employees, consultants, vendors, contractors, members of the FLVS Board of Trustees, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with FLVS.

Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to FLVS.

Management is responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his/her injury. Each member of management is expected to be familiar with the types of improprieties that might occur within his/her area of responsibility, and be alert for any indication of irregularity.

**Actions constituting fraud:** The terms defalcation, misappropriation, and other fiscal irregularities refer to, but not limited to:

- Any dishonest or fraudulent act
- Misappropriation of funds, securities, supplies, or other assets
- Impropriety in the handling or reporting of money or financial transactions
- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to FLVS
- Destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment
- Diversion to an employee or outsider of a potentially profitable transaction that would normally generate profits for the organization.
- Claims submitted for services or goods not actually provided to the organization.

Any irregularities, fraud, or actions concerning an employee's moral, ethical, or behavioral conduct should either be reported immediately to the Professional Standards Executive Director, Alfred Lopez or the Senior Human Resources Manager, Julie Johnson or enlisted independent third party to receive reports of fraud.

PROCEDURE:

The procedure guarantees that no action will be taken against any employee who makes a good faith complaint. Complaints may be filed anonymously and will be treated as confidential. To file a complaint, you may contact either Professional Standards, Alfred Lopez at 407-513-3692 or Senior Human Resources Manager, Julie Johnson at 407-513-3665 or the independent third party at 866-773-3022.

- A. When a complaint is made, the FLVS official receiving the information has 20 days in which to determine:
  - 1. Whether it is the type of information described in the act:
    - a. Does it contain allegations conforming to section 112.3187(5)(a) and (b), Florida Statutes, alleging:
      - i. “Any violation or suspected violation of any federal, state, or local law, rule, or regulation committed by an employee or agent of an agency or independent contractor which creates and presents a substantial and specific danger to the public’s health, safety, or welfare.” See section 112.3187(5)(a), Florida Statutes.
      - ii. “Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employee or agent of an agency or independent contractor.” See section 112.3187(5)(b), Florida Statutes.
  - 2. Whether the source of the information is a person within the scope of the act:
    - a. Is the person within the scope and protection of the act? Is the person
      - i. an employee of the agency, or
      - ii. an agent of the agency, or
      - iii. an independent contractor who has entered into a contract with FLVS.
  - 3. Whether the information demonstrates reasonable cause to suspect a violation of the law.
- B. If the answer to all three questions is yes, then, the FLVS official making the determination shall then conduct an investigation. The requirement to investigate is phrased in mandatory terms and nothing in the Whistle-blower’s Act would terminate this duty in response to a request from the complainant.
- C. Section 112.3188(2)(b), Florida Statutes, provides confidentiality for those records relating to the agency’s active investigation of a whistle-blower complaint and is not limited to those records received as part of an active investigation of a complaint of retaliation. However, while the name or identity of the individual disclosing this information is confidential, the initial report of wrongdoing received by the agency is a public record, since that information was received before an investigation was begun.

# PS017 – WORKPLACE VIOLENCE PREVENTION

Policy Issue Date: 7/1/2018

Page 1 of 1

## POLICY:

FLVS is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, FLVS has adopted guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or in its premises.

All suspicious individuals should be reported as soon as possible to his/her director, supervisor, or Professional Standards at 407-513-3692. The identity of the individual making the report will be protected as much as it is practical.

Employees deemed responsible for threats of (or actual) violence or other conduct that is in violation of this policy will be subject to prompt disciplinary action, up to and including termination of employment.

All employees, including contractors and temporary employees, should be treated with courtesy and respect at all times.

Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others.

Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of FLVS without proper authorization from Human Resources.

Conduct that threatens, intimidates, or coerces another employee, visitor, or member of the public at any time will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on the individual's age, sex, race, age, or any characteristic protected by federal, state, and local law.

FLVS will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activity.

As a condition of employment, employees' desks/workstations may be subject to search.

## PROCEDURE:

- All threats of (or actual) violence, both direct and indirect, should be reported to the employee's director or to the Executive Director of Professional Standards. This includes threats by employees, visitors, clients, customers, vendors, solicitors, or other members of the public.
- Reports of threats of violence should be as detailed and specific as possible.
- Employees should not place themselves in peril.
- If an employee sees or hears a commotion or disturbance near his/her workstation, he/she should not try to intercede or see what is happening.
- FLVS encourages employees to bring their disputes or differences with other employees to the attention of their director, or Professional Standards before the situation escalates into potential violence.

## PS018 – VETERANS’ PREFERENCE

Policy Issue Date: 7/1/2018

Page 1 of 4

### POLICY:

Chapter 295, Florida Statutes, sets forth certain requirements for public employers to accord preferences, in appointment, retention, and promotion, to certain veterans and spouses of veterans who are Florida residents. The relevant portions of the law apply to “the state and its political subdivisions.” School districts are subject to the requirements of Chapter 295.

### CATEGORIES OF PROTECTED INDIVIDUAL

Section 295.07, Florida Statutes, extends veterans’ preference to:

- A veteran with a service-connected disability who is eligible for or receiving compensation, disability retirement, or pension under public laws administered by the U.S. Department of Veterans Affairs and the Department of Defense.
- The spouse of a veteran who cannot qualify for employment because of a total and permanent service-connected disability, or the spouse of a veteran missing in action, captured, or forcibly detained by a foreign power.
- A veteran of any war who has served on active duty for one day or more during a wartime period, excluding active duty for training, and who was discharged under honorable conditions from the Armed Forces of the United States of America. A veteran who has served honorably but who has not met the criteria for the award of a campaign or expeditionary medal for service in Operation Enduring Freedom or Operation Iraqi Freedom qualifies for preference in appointment, effective July 1, 2007. The service dates are defined as follows:
  - » Operation Enduring Freedom October 7, 2001, to date to be determined.
  - » Operation Iraqi Freedom March 19, 2003, to December 15, 2011.
  - » Operation New Dawn September 1, 2010, to date to be determined.
- The un-remarried widow or widower of a veteran who died of a service-connected disability.
- Any Armed Forces Expeditionary Medal, as well as the Global War on Terrorism Expeditionary Medal, qualifies for Veterans’ Preference.

### WARTIME PERIODS

World War II: December 7, 1941, to December 31, 1946

Korean Conflict: July 27, 1950, to January 31, 1955

Vietnam Era: August 5, 1964, to May 7, 1975

Persian Gulf War: August 2, 1990, to January 2, 1992

The conflicts in Afghanistan and Iraq: September 11, 2001, to present



## PS018 – VETERANS’ PREFERENCE

Page 2 of 4

### DOCUMENTATION REQUIRED

You are responsible for providing the following eligibility documentation at the time of submission of your application to the posted open position to which you are applying.

### VETERANS, DISABLED VETERANS, AND SPOUSES OF DISABLED VETERANS

The document submitted must indicate character of service:

- Defense Form DD-214, or
- Military Discharge Papers, or
- Equivalent Certification from the Veterans Administration listing military status and dates of service.

### DISABLED VETERANS MUST ALSO FURNISH

- Certifying documents from the Department of Defense
- Letter from the Veterans Administration or the Division of Veterans Affairs that the veteran has a service connected disability.

### SPOUSES OF DISABLED VETERANS

- Certification from the Department of Defense or the Veterans Administration that the veteran is totally disabled, or
- An identification card issued by the Division Veterans Affairs, certificate of marriage to the veteran, a statement attesting that the spouse is still married to the veteran at the time of application and proof that the disabled veteran cannot qualify for employment because of a service connected disability.

### SPOUSES OF PERSONS ON ACTIVE DUTY

- Document from the Department of Defense or Veterans Administration certifying that the person on active duty is listed missing in action, captured in the line of duty, or forcibly detained or interned in the line of duty by a foreign government or poser; and
- A statement attesting that the spouse is married to the person on active duty at the time of application for employment.

### UN-REARRIED WIDOW OR WIDOWER OF A DECEASED VETERAN

**Veterans’ preference in perpetuity:** A person eligible for veterans’ preference in appointment (defined by s. 295.07, FS) does not forfeit employment preference eligibility once that veteran or eligible spouse or the veteran has been employed by a state agency or any political subdivision of this state. Effective July 1, 2007, Florida law restores veterans’ preference in employment for all categories of protected individuals previously employed by a state agency or any political subdivision of this state.

**Preference in appointment and employment:** Preference in appointment and employment requires that a preferred applicant be given special consideration at each step of the employment selection process but does not require the employment of a preferred applicant over a non-preferred applicant who is the most qualified applicant for the position. Granting of an interview is one example of the type of special consideration which may be given to a preferred applicant. If, at any stage of the hiring process, a preference-eligible veteran meets the minimum qualifications for an open position, then he/she will advance to the next step in the public employer’s selection process. If, at any step in the selection process, a determination is made that the veteran is not qualified to advance to a subsequent step in the selection process, such determination will receive a review at a higher level of management having authority to overturn the initial determination, to ensure whether the determination was correct.

**Preference in layoffs:** Where a layoff is necessitated in a covered position, similar preferences must be given to the covered employee in the retention process. If there are positions remaining in the job classification of the veteran for example, the veteran is a technician and there are six technician spots available before the layoff. After the layoff, there are three technician spots available. The veteran, in order to be afforded the preference under the statute, must be retained. If, in the example above, all six technician positions are eliminated, the veteran must be given affirmative help by Talent Management to identify position(s) for which he is qualified and affirmative help in applying for those position(s).

**Preference in reinstatement or reemployment:** When an employee in a covered position leaves employment of the state or its political subdivisions for the purpose of serving in the Armed Forces of the United States and is separated therefrom with an honorable discharge, the state or its political subdivision shall reinstate or reemploy such person under the following conditions:

- Reinstatement or reemployment is made to the same or to an equivalent position.
- Reinstatement or reemployment is made within one year of the date of separation from the military service, or, in the case of extended active duty, within one year of the date of discharge or separation subsequent to the extension.
  - » Persons reinstated or reemployed under this section shall be awarded preference in promotion, and shall be promoted ahead of all other employees who are as well or less qualified for the position. When an examination, as defined in Rule 55A-7.003, F.A.C., is utilized, such persons shall be eligible for preference points and ranking on the register as provided by Rule 55A-7.010, F.A.C., of this chapter. Eligibility for preference in promotion shall apply only to a veteran’s first promotion after reinstatement or reemployment, without exception.
  - » If the reinstated or reemployed person is not promoted, the person retains promotion preference eligibility until the first promotion following reemployment is satisfied.
  - » Where the reinstated or reemployed person is not promoted and the register is vacated to establish a new register for the next promotion, such person shall retain eligibility for preference points and ranking on the new register as provided by Rule 55A-7.010, F.A.C.

## PS018 – VETERANS’ PREFERENCE

Page 4 of 4

**Promotion preference:** Promotion preference applied only to a veteran’s first promotion after reinstatement or reemployment without exception.

### EXEMPT POSITIONS

Chapter 295, Florida Statutes, provides for a preference in employment for certain classes of covered positions.

### ENFORCEMENT

If an applicant claiming veterans’ preference for a vacant position is not selected, he/she may file a complaint with the:

Florida Department of Veterans’ Affairs  
(FDVA) Division of Benefits and  
Assistance  
P.O. Box 31003  
St. Petersburg, FL 33731

A complaint must be filed within 21 days of the applicant receiving notice of the hiring decision made by the employing agency or within three months of the date the application is filed with the employer if no notice is given. The enforcement mechanism established by the regulations provide for an initial investigation by the Florida Department of Veterans’ Affairs, followed by an evidentiary proceeding before the Public Employees Relations Commission if the matter cannot be earlier resolved.

**Laws Implemented** §295.07-295.11, Florida Statutes

**State Board of Education Rules** 55A-7.001; 55A-7.017

## **PS019 – DISCIPLINARY ACTION AND SEPARATION**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

FLVS values all employees for their contribution to the growth of the business and in maintaining high standards of excellence in dealing with our students, customers, and fellow employees.

An employee may be subject to discipline, up to and including termination for reasons to include, but not limited to:

- A violation of Florida or Federal law
- A violation of the FLVS Code of Ethics
- A violation of an expressed rule, an expressed policy, or a reasonable expectation of management that reasonably should have been known to the employee
- A violation of policies and procedures as set forth in this manual

## PS020 – TERMINATION OF EMPLOYMENT

Policy Issue Date: 7/1/2018

Page 1 of 2

### POLICY:

Every employee who is involuntarily terminated from FLVS is provided the opportunity to discuss the details of his/her termination with Professional Standards.

All employees who separate from FLVS shall be paid for unused Annual Leave, up to a maximum of 240 hours unless separation is for theft of FLVS property or abuse of a minor. In such case, accrued leave shall be forfeited, unless specific state law prohibits such action.

### TERMINATION

Any employee may be terminated for a violation of an expressed rule, an expressed policy, or a reasonable expectation of management that reasonably should have been known to the employee.

### RESIGNATION

An employee who is resigning must submit his/her official resignation letter to his/her manager and the Human Resources Compliance department. A resignation shall be deemed effective upon receipt by an FLVS manager.

Any employee who plans to retire must be eligible under FRS standards and submit a letter of resignation to FLVS and an application to the retirement system for retirement benefits.

Upon receipt of resignation notification, Human Resources Compliance will contact employee with post-employment benefit and other exit information.

### REDUCTION IN FORCE

In the event a reduction in force becomes necessary, the President/CEO shall notify the Board of Trustees of the need for such reduction and the positions recommended for elimination.

### RETURN OF EQUIPMENT

Employees leaving FLVS must return all assigned property and materials belonging to FLVS to the Inventory/Materials Department within 10 working days of an employee's exit date.

The Inventory/Materials Department maintains a record of all issued equipment. If any equipment is not returned by the employee within the agreed upon timeframe, the Inventory/Materials Department reserves the right to report the equipment to Professional Standards who will then report the equipment as lost/stolen to law enforcement, unless the employee makes monetary restitution.

## PS020 – TERMINATION OF EMPLOYMENT

Page 2 of 2

### FINAL WAGE CONSIDERATIONS

All employees will receive their final pay in the form of a lump sum payment. To limit the exposure of FLVS to numerous financial liabilities, the separation date will not be extended beyond the final workday. Group health benefits end on the last day of the month of termination.

Payment will be computed by multiplying the employee's hourly rate at the time of separation by the hours of Annual Leave accrued, up to the maximum of 240 hours.

In the event of a death of the employee, all unused Annual Leave at the time of death will be paid to the beneficiary, estate, or as provided by law.

Payment for Annual Leave shall be governed by the requirements of Florida Law or the applicable employment state for non-Florida employees.

Airline tickets, education assistance payments, relocation reimbursements, and/or any outstanding money due FLVS may be invoiced or deducted in the final paycheck as allowed by state law.

### RETIREMENT

Contact the Benefits Department to complete the appropriate application for the Florida Retirement System (FRS).

### COBRA

Upon termination of employment, eligible employees may elect to continue their health insurance by purchasing the same medical, dental, and/or vision insurance for themselves and all dependents who were insured at the time of termination, without providing proof of good health, as determined by the provisions of COBRA (Consolidated Omnibus Budget Reconciliation Act of 1986). Contact the Benefits Department for additional information.

## PS021 – UNEMPLOYMENT COMPENSATION

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

Unemployment compensation provides financial assistance to those persons who lose their jobs through no fault of their own and are unable to find other employment. FLVS contests all unemployment claims and applies for relief from charges for those claims that do not comply with the requirements of the law.

Generally, an individual is **not** entitled to unemployment compensation if:

- The person voluntarily left employment, or
- The person was discharged for reasons associated with misconduct, or
- The employee resides/works in a state outside of Florida in which FLVS has no unemployment compensation liability.

## **PS022 – SEVERANCE**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

The Florida Virtual School Board of Trustees hereby delegates to the President/CEO of Florida Virtual School the authority and discretion to grant or deny severance for an employee that has severance provided for in his/her contract in accordance to the limitations in his/her contract.

Additionally, the President/CEO of Florida Virtual School is provided the authority to provide payment to an employee beyond the amount provided for in his/her contract, but in no event to exceed the amount stipulated by Florida Statute 215.425 and when deemed appropriate by the Board for the President/CEO and the Office of Professional Standards to avoid and/or resolve a claim against Florida Virtual School.



## PS023 – EMPLOYMENT OF RELATIVES

Policy Issue Date: 7/1/2018

Page 1 of 2

### POLICY:

*Although we value all of our employees and by extension their families, we do not allow for family members of current employees in management positions to be employed by Florida Virtual School. We believe the risk of morale problems, and conflict of interest problems is too great.*

Grandfather Clause: For those employees currently employed who have relatives, effective the date of approval by the Board of Trustees for this policy.

FLVS gives equal consideration to all candidates in the promotion and transfer process. FLVS will avoid creating a situation that could create a “reporting relationship” between related employees. The intent is to avoid placing employees in situations where they are supervised by a relative; or, would be expected to supervise a relative; or, in situations where they could influence a relative.

Employees shall not participate in any personnel action, including recommendation for an appointment, employment, promotion, advancement, or evaluation concerning an applicant or employee to whom they are related.

If employees marry or otherwise enter into a relationship subject to this policy with FLVS employs both, management will take action and determine in its sole discretion what action is appropriate under the circumstances. Actions may include transfer, discharge, or other action deemed appropriate.

FLVS is committed to a policy of advancement based on qualifications and merit without discrimination.

Clarifying Language:

- The term “related” or “relative” shall refer to the following relationships: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparents, engaged couples, or a person who resides at the same residence.
- “Supervision” is defined as providing direction or instruction to an employee, and/or having the functional responsibility of determining policy that could affect an employee or an employee’s work environment.
- “Direct supervision” relates to situations in which one person at FLVS reports to another.
- Such decisions include hiring, retention, transfer, promotion, wages, and leave requests are directly related to this policy.
- This policy applies to all current employees and candidates for employment.
- “Family member” or “relative” is defined as one of the following: relationships by blood – parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, and first cousin; and relationships by marriage – husband, wife (as defined by state law), step-parent, stepchild, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece, spouse/partner of any of the above, and co-habiting couples, engaged couples, or significant others.

## PS023 – EMPLOYMENT OF RELATIVES

Page 2 of 2

- Human Resources is responsible for prescreening external hires. The hiring supervisor is responsible for ensuring policy compliance. Department directors are responsible for monitoring changes in employee reporting relations after initial hire to ensure compliance to this policy. Employees are responsible for immediately reporting any conflicts with this policy to their supervisor. If any employee, after employment or change in employment, enters into one of the above relationships, management will take action and determine in its sole discretion what action is appropriate under the circumstances. Actions may include transfer, discharge, or other action deemed appropriate.

## **PS024 – PROBATIONARY PERIOD**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

FLVS has established a one-year probationary period for employees. FLVS reserves the right to extend this period. Employees that are terminated during their probationary period shall have no grievance rights.

### **PROCEDURE:**

- Roles and expectations will be discussed as part of the new employee orientation and training process.
- After successful completion of his/her probationary period, the employee will be considered a regular employee (full-time or part-time).
- If during the probationary period, management determines the employee is not suited to the position, management must contact Professional Standards.

## PS025 – CHILD ABUSE, NEGLECT, AND ABANDONMENT

Policy Issue Date: 7/1/2018

Page 1 of 5

### POLICY:

All employees of FLVS have an affirmative duty to immediately report known or suspected child abuse, neglect, or abandonment to the Florida Department of Children and Families at 1-800-962-2873, and also tell FLVS Professional Standards. The threshold for mandated reporting is “reasonable cause to suspect” that a child has been abused or neglected. To have reasonable suspicion the employee must be able to articulate some objective, factual basis for his/her suspicion.

In determining whether reasonable suspicion exists, the totality of circumstances must be considered, such as the signs or indicators of abuse, the appearance and behavior of the child, and anything unusual when viewed in light of the reporter’s experience, knowledge, or expertise. Mere guesswork, a hunch, or an arbitrary inference without any factual basis is insufficient to trigger this reporting obligation. An initial assessment may be necessary to determine whether reasonable cause exists for making a report. If a reporter has reasonable cause to suspect that physical or sexual abuse has occurred, he/she should not undertake any further investigation to prove whether his/her suspicion is founded or unfounded before making a report. In instances where an FLVS employee or volunteer is suspected of committing abuse or neglect, employees should notify Professional Standards. Professional Standards will direct staff in the performance of any subsequent investigations when warranted.

Any FLVS employee who fails to report known or suspected child abuse, neglect, or abandonment to DCF may be subject to criminal prosecution pursuant to Florida Statutes and/or subject to disciplinary action by FLVS which may include, but is not limited to, termination of employment.

The abused, neglected, or abandoned child and other concerned individuals have a right to privacy, and all information incidental to the report shall be confidential and not discussed or disclosed except as specifically authorized by Florida Statutes.

No FLVS employee will be subject to retaliatory employment practices for making a good-faith report of child abuse, neglect, or abandonment.

For purposes of reporting child abuse, neglect, or abandonment, the following terms are defined as:

- **“Abuse”** means any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes, or is likely to cause, the child’s physical, mental, and emotional health to be significantly impaired. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purpose does not in itself constitute abuse when it does not result in harm to the child.
- **“Harm”** to a child’s health or welfare can occur when any person, through a willful act, inflicts or allows to be inflicted upon the child physical, mental, or emotional injury. In determining whether harm has occurred, the following factors must be considered in evaluating any physical, mental, or emotional injury to a child: The age of the child, any prior history of injuries to the child, the location of the injury on the body of the child, the multiplicity of the injury, and the type of trauma inflicted. Such injury includes, but is not limited to: a) sprains, dislocations, or cartilage damage; b) bone or skull fractures; c) brain or spinal cord damage; d) intracranial hemorrhage or injury to other internal organs; e) asphyxiation, suffocation, or drowning; f) injury resulting from the use of a deadly weapon; g) burns or scalding; h) cuts, lacerations, punctures, or bites; i) permanent or temporary disfigurement; or j) permanent or temporary loss or impairment of a body part or function. The term “willful” refers to the intent to perform an action, not the intent to cause the injury that occurs.

## PS025 – CHILD ABUSE, NEGLECT, AND ABANDONMENT

Page 2 of 5

- **“Mental injury”** means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability to function within the normal range of performance and behavior.
- **“Neglect”** means that a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or necessary medical treatment; or if a child is permitted to live in an environment where such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. “Necessary medical treatment” means care which is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child’s condition or to alleviate immediate pain of a child.
- **“Abandonment”** or **“abandoned”** means a situation in which the parent, legal custodian of a child, or the caregiver responsible for the child’s welfare in the absence of a parent or legal custodian, while being able to, makes no provision for the child’s support and no effort to communicate with the child, which is sufficient to evince a willful rejection of parental obligations. If the efforts of such parent, legal custodian, or caregiver primarily responsible for the child’s welfare to support and communicate with the child, are only marginal efforts that do not evince a settled purpose to assume all parental duties, then under any of these circumstances the child may be determined to be abandoned.

### PROCEDURE:

All such reports shall be made in the following order of priority:

1. Call the Department of Children & Families “DCF” Central Abuse Hotline 1-800-96ABUSE (1-800-962-2873).
  - » Document on an FLVS Management Directive A-01 Reporting Form (see form below) the date of the report to DCF and the name of the person taking the report or his/her employee identification number. DCF will screen all calls and notify law enforcement or transfer your call to law enforcement when appropriate. If you are transferred, you must document your report to law enforcement in Section 2 of the A-01 Reporting Form.
2. If an FLVS employee is suspected of committing abuse call Professional Standards Department (407-513-3692)

Any doubt as to whether abuse, neglect, or abandonment has occurred shall be resolved in favor of reporting. DCF personnel at the Central Abuse Hotline are specifically trained to determine if a report meets statutory criteria for child protective investigations. The appropriate law enforcement agency will conduct law enforcement investigations when warranted.

### IDENTIFICATION OF CHILD ABUSE OR NEGLECT

For purposes of identification and referral, all staff members should look for the following signs of child abuse and neglect while interacting with students. If several indicators are present, or if they occur repeatedly, the probability of maltreatment is greater. **Remember that this list is neither exhaustive nor definitive.** Be alert for other signs, such as deteriorating academic performance. Any reasonable doubt as to the existence of abuse should be resolved in favor of reporting.

### SIGNS OF ABUSE PHYSICAL INDICATORS

- Unexplained scratches, bruises, and welts on face, lips, mouth, neck, torso, back, arms, buttocks, thighs—in various stages of healing—reflecting shape of article used to inflict; regularly appearing after absence, weekend, or vacation
- Unexplained burns (cigar or cigarette burns, especially on soles, palms, back, or buttocks; immersion burns; burns patterned like electric burner, iron, etc.; and rope burns on arms, legs, neck, or torso)
- Unexplained fractures to skull, nose, or facial structure; fractures in various stages of healing; and multiple or spiral fractures
- Unexplained lacerations to mouth, lips, gums, or eyes

### BEHAVIORAL INDICATORS

- Wary of adult contacts
- Apprehensive when other children cry
- Behavioral extremes (aggressiveness or withdrawal)
- Frightened of parents or afraid to go home
- Reporting injury, sexual abuse, or frequent spankings by parent or other caretaker
- Role-playing abusive parents or dramatizing abusive situations
- Parent shows signs of abusive behavior (e.g., shows loss of control, unusual negativity about child, and/or frequently mentions spanking child)

### SIGNS OF NEGLECT

- Consistent hunger, poor hygiene, inappropriate dress (such as no coat in cold weather)
- Lack of supervision apparent at home
- Unattended physical problems or medical needs
- Abandonment
- Begging and/or stealing food
- Extended stays at school (early arrival and late departure)
- Constant fatigue, listlessness, or falling asleep in class
- Delinquency
- Saying there is no caretaker

FLVS MANAGEMENT DIRECTIVE A-01 REPORTING FORM

*To be used to document known or suspected child abuse, neglect, or abandonment*

Known or suspected child abuse, neglect, or abandonment must be reported immediately to the Department of Children & Families Central Abuse Hotline at 1-800-96ABUSE (1-800-962-2873). If an FLVS employee or volunteer is involved, you must also make a report to FLVS Professional Standards Department. **Do not fax this form to Professional Standards unless an FLVS employee or volunteer is suspected of committing abuse (see Section 3).** Keep the original in a secure, confidential location for your protection.

SECTION 1 - INCIDENT INFORMATION			
Complete this section prior to making a report to assist the Abuse Hotline Operator 1-800-962-2873			
<b>Employee/Volunteer</b> _____		Date _____	
_____	_____	_____	_____
Last Name	First Name	MI	
Work Phone No. _____		Home Phone No. _____	
<b>Child</b> _____		Sex Race _____	
_____	_____	_____	_____
Last Name	First Name	MI	
Child Date of Birth _____		SSN (if known) _____	
<b>Person responsible for alleged abuse</b> _____			
_____	_____	_____	_____
Last Name	First Name	MI	
Suspect's Relationship to Child _____			
Is this individual an employee with FLVS? Yes No			
If <b>yes</b> , you must complete Section 3 immediately after making your report to the Abuse Hotline.			
<b>Brief description of facts that support your suspicion that a child has been abused or neglected:</b>			
_____			
_____			
_____			

**SECTION 2 - DCF ABUSE HOTLINE AND LAW ENFORCEMENT**

Complete this section with the assistance of the Abuse Hotline Operator to document that a report was made.

Name of DCF employee to whom report was made \_\_\_\_\_

Identification number of DCF employee \_\_\_\_\_ Did DCF accept the report for investigation?      Yes      No

If your call was transferred to a local law enforcement agency, provide the name of the agency \_\_\_\_\_  
\_\_\_\_\_

the Incident or Event No. assigned to the report \_\_\_\_\_ and the name or Identification  
No. of the employee to whom the report was made \_\_\_\_\_.

**SECTION 3 – PROFESSIONAL STANDARDS REPORT**

If the report involves suspected abuse by an FLVS employee, complete this section, call Professional Standards at 407-513-3692.

Work location of suspected FLVS employee \_\_\_\_\_

Supervisor notified that report was made to DCF \_\_\_\_\_

Name of Professional Standards staff member to whom report was made  
\_\_\_\_\_  
\_\_\_\_\_



## **PS026 – AT WILL EMPLOYMENT**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

All FLVS employees are employees At Will and, as such, are free to resign at any time without reason. Likewise, FLVS retains the right to terminate an employee at any time with or without reason or notice.

Nothing contained in this policy manual, the employment agreement, the performance agreement, or any other document provided to the employee is intended to be, nor should it be, construed as a guarantee that employment or any benefit will be continued for any period of time.

Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended and do not create an employment contract for any specific period of time.

## PS027 – ATTENDANCE REQUIREMENTS

Policy Issue Date: 7/1/2018

Page 1 of 2

### POLICY:

The FLVS working environment means committing to a new way of work as compared to the traditional school environment. In order to support the FLVS mission, instructors are expected to maintain availability Monday – Friday, 8 a.m. – 8 p.m. to FLVS students and parents. Our students work in an environment that includes an around-the-clock classroom, requiring FLVS staff to adjust from a regimented work schedule to a self-monitored work schedule, learning to blend the commitments placed upon them by the organization with the demands and needs of the students.

Support staff schedules are set by the employee’s manager.

There are also staff and/or departmental meetings/events that require in-person participation throughout the year. These meetings are necessary to develop and enhance the educational opportunities to meet the changing needs of our students and employees, and to support the effectiveness and success of FLVS.

All full-time employees are expected to adjust their schedule to accommodate mandatory meetings/events. If an email does not state “Mandatory,” employees have the option of participating.

### PROCEDURE:

- If an employee is unable to attend a mandatory meeting, his/her supervisor must be notified and grant approval for the absence. Unexcused absences for mandatory meetings may result in disciplinary action. Management will determine if absence is paid or unpaid.
- Prior manager written approval is required for all business travel (see Policy TR001).

## PS027 – ATTENDANCE REQUIREMENTS

Page 2 of 2

### NON-EXEMPT ADDITIONAL PROCEDURE:

- Non-exempt employees must record time blocks (total hours worked per day excluding non-working lunch break) via Time in Workday system. **Important: If Time Blocks and/or requested Time Off is not recorded and submitted, there will be no pay generated.**
- Non-exempt employees must ensure all hours worked for each work week are on their timecard and must submit their timecard at the end of each pay period. The work week is Sunday through Saturday.
- The deadline to submit timecards is by 12:00 p.m. EST (noon) on Monday after the end of the pay period, unless informed via email by payroll.
- Non-exempt employees must record hours with Temporary Duty Elsewhere (TDE), via Time in Workday system, when attending required meetings/events outside of their assigned work location. Once the timecard is submitted, the timecard will be then be routed to their manager for approval.
- Full-Time Non-Exempt Employees: Timecards that are submitted with overtime or Temporary Duty Elsewhere (TDE) will be routed to their manager for approval. Timecards with no overtime or Temporary Duty Elsewhere (TDE), once submitted are routed to payroll for processing.
- Part-Time Non-Exempt Employees: All submitted timecards will be routed to their manager for approval.
- On any Time issues, please email [time@flvs.net](mailto:time@flvs.net) and copy (Cc) your manager.
- Full time non-exempt employees should take at least a 30 minute lunch break (non-working) unless approved to work through lunch.
- FLVS allows non-exempt staff to take one short 10 minute break for each 4 hours worked. Short breaks are considered paid time. The 10 minute break and lunch breaks cannot be combined.
- Non-exempt employees should have prior authorization from their manager to work beyond their set schedule.

## PS028 – REMOTE WORK ENVIRONMENT

Policy Issue Date: 7/1/2018

Page 1 of 3

### POLICY:

Florida Virtual School tries to be flexible in its approach to work styles and location. Working from home or other alternate locations may be made on an “as needed basis” or set up on a regular schedule for all support staff personnel. Instructional employees are required to maintain a home office. When employees work at home, or from any other alternate location, FLVS requires that they do so in a manner which is in keeping with the professional work style of accessibility, communication, and productivity.

- As with any work schedule, remote assignments or schedule changes may be made at management’s discretion to meet organizational needs.
- Working from home is not an employee right, but is based on an underlying management philosophy of trust and mutual benefit.
- Employees must be accessible by phone during scheduled working hours.
- Employees must utilize the Skype instant message feature to allow for quick and efficient communication throughout the day.
- Child care and home health care may not be conducted by the employee while working from the home office or other remote work location; other arrangements must be made for child and elder care.
- Employees working from home are responsible for designating a home work space that is ergonomic, quiet, clean, safe, and free of personal distractions, physical obstructions, and hazardous materials.  
Note – home office furniture should not include FLVS purchased material(s) unless authorized due to a restriction and an approved accommodation.
- Staff may work from a location within their home work state such as a coffee shop, library, or restaurant unless otherwise restricted by their manager.
- Managers are not authorized to approve any request for "temporary" work out of the employee's current work state. Employees are not authorized to work outside of their current work state, unless prior required business travel has been approved for their position or with department leader, Human Resources or the Office of Professional Standards approval related to hardship situations, contingent upon FLVS guidelines related to such temporary assignments.
- Instructional staff must ensure students have normal access for instruction (email, instant message, direct contact phone number, etc.) even when working from an alternate location.
- Support staff must obtain their manager’s approval prior to working from a remote location.
- Management reserves the right to conduct both pre scheduled and random home visits to their assigned employees that maintain home offices.

### TEMPORARY OUT OF STATE WORK GUIDELINES

Revised January 2020

All temporary work out of state must be approved by your department leader and the Executive Team based on hardship situation and FLVS' ability to meet compliance matters. This must occur prior to the start of out of state work. Please review this guideline, the "Temporary Out of State Work Request Form" with instructions and "Temporary Out of State Grid.xlsx" located on FLVS Connect> Financial Services> Payroll> Documents prior to submitting a request to your manager. Managers and Directors should follow form instructions to elevate appropriately.

Requests may be up to a maximum of 60 calendar days in a year, however, each state has specific rules and thresholds. You must refer to the grid to view each individual state to determine the minimum and maximum number of days you may request. Out of country requests are not permitted.

The employee must return to the home state at the end of the approved period or be in violation of policy.

The grid guideline attached is only for Florida employees (FL). All out of state employees (OOS) requesting to work in an alternate state will need an individual determination made by Payroll due to possible reciprocal state agreements. These requests may require additional time for processing.

FL non-exempt (those who track their time) would only be allowed to work up to 8 hours per day during normal work week (Monday through Friday), with a maximum of 40 hours for the workweek. Each state can have complex non-exempt rules, in addition to the FLSA. To be able to consider non-exempt requests this requirement must be adhered to strictly. This rule is in addition to the guideline approval rules.

Please be aware that thresholds and days stated in the grid are calendar days (not work days) and thresholds are all based on calendar year (not fiscal).

Based on the state, local, or specific threshold rules there may or may not be required employer taxing implications. Several factors may be concurrently reviewed to determine approval.

If there are no employer taxing implications, the start date of the OOS work does not need to correspond to the start of a period. The employee will not receive a separate W2 Form since no additional taxing will occur. However, please be aware that some states may still require the employee to report non-resident wages earned in the state, even if the employer is not required to withhold taxes. Consult the state's income tax guidelines or your personal tax accountant for further information.

If there are employer taxing implications, the OOS work will need to correspond with the start of a pay period and can only be allowed for full pay periods, no partial pay periods. Income taxes will be withheld and a separate W2 Form for wages in the non-resident state will be received after year end. The employee receiving a second W2 Form may need to file a non-resident tax return in the non-resident state. Consult the state's non-resident income tax guidelines or your personal tax accountant for further information.

**State Summary of OOS Grid Guideline – FL to OOS** (Please refer to "Temporary Out of State Grid.xlsx" for specifics). You may filter the excel guideline by State column to see only the state you are requesting.

FLVS does not have active tax accounts in all states. Tax accounts are only opened for states where FLVS has employees working permanently in the state. The following 16 states we cannot accommodate any requests due to immediate tax implication: Alabama, Arkansas, Delaware, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nebraska, North Dakota, Rhode Island, Vermont and West Virginia. All requests to these states are denied.

## PS028 – REMOTE WORK ENVIRONMENT

Page 3 of 3

The following 11 states have no employer tax implications and requests for up to 60 days total per calendar year may be approved: Alaska, Arizona, District of Columbia Hawaii, Nevada, New Hampshire, South Dakota, Tennessee, Texas, Washington, and Wyoming.

The following 6 states are FLVS active states but have immediate employer tax implications. Request must coincide with the start of a pay period, and be in full pay period increments (1 full pay period, 2 full pay periods, etc.). Employee will be subject to state tax and will receive additional W2 Form: Illinois, Louisiana, New Jersey, North Carolina, Ohio, and Virginia.

The remaining 17 states need individual determinations that must be made by Payroll based on address, local taxation, days requested, income, exemption or employer threshold. These states may also require additional documents or information, you will be notified when you submit your request form to Payroll: California, Colorado, Connecticut, Georgia, Idaho, Indiana, Maine, Michigan, Minnesota, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, Utah, and Wisconsin.

## **PS029 – EMPLOYMENT LAWS**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

It is FLVS policy to adhere to all applicable employment laws, regulations, and executive orders that govern FLVS operations. All managers should be aware of and comply with all policies. Compliance is the responsibility of all management staff and Professional Standards

## **PS030 – EMPLOYMENT OF FORMER EMPLOYEES**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

In certain circumstances, it may be beneficial for FLVS to re-hire former employees. Consequently, FLVS will evaluate the suitability of re-hiring former employees on a case-by-case basis, considering multiple factors such as business requirements, length of service, quality of performance while employed, reason for leaving, and other factors.

Employees who return within 30 calendar days of their separation date will have previous insurance benefits bridged upon rehire.

Sick Leave remaining in the employee's former account, if not paid out due to retirement or transferred to another FRS agency, will be reinstated at the time of re-hire if employee is hired as a full-time employee.



## PS031 – IMMIGRATION AND NON-CITIZEN EMPLOYMENT

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

In compliance with the Immigration Reform and Control Act of 1986, as amended, it is FLVS policy to verify the identity and right to work status in the United States of every employee hired to maintain related records and to prohibit discrimination on the basis of citizenship status.

### PROCEDURE:

1. Prior to attending new employee orientation, employees receive an explanation of the Immigration Reform and Control Act of 1986, as amended, a list of acceptable documents of proof of identity and the right to work in the United States. Each new employee is asked to bring documentation to satisfy this law's requirements. During new employee orientation, a Human Resources representative examines the documents, and verifies that the new employee accurately completed and signed an I-9 form.
2. Failure to provide proof of identity and the right to work in the United States within 72 hours of the employee's start date results in termination.
3. I-9 Forms are maintained separately from the personnel files. Upon employee separation, these forms are retained for three years after an employee's hire date, or one year after employment is terminated, whichever is longer. These forms are available, upon notice, to the United States Citizen Immigration Services (USCIS) or the United States Department of Labor.
4. Discrimination on the basis of citizenship status is prohibited; therefore, if an alien has the right to work in the United States, and that individual is the most competitive candidate for a position, an employment offer shall be extended.
5. If a change occurs in the Visa status, the non-citizen employee must provide immediate notification of change of status to Human Resources Compliance.

## **PS032 – NEW EMPLOYEE ORIENTATION**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

A new employee orientation is conducted as part of the on-boarding process. During orientation, new employees are provided with the tools and resources needed for success.

### **PROCEDURE:**

- Employees will attend new employee orientation the first week of employment.
- Employees will be fingerprinted and drug screened prior to the start of employment. Employees must pass this screening.
- Employees must submit a professional photo during onboarding for the purposes of issuing FLVS badges and the Employee Directory.

## PS033 – OUT-OF-STATE EMPLOYMENT

Policy Issue Date: 7/1/2018

Page 1 of 2

### POLICY:

FLVS will not offer employment to candidates residing outside the state of Florida or employ people outside the state of Florida unless:

- There is a critical-need position identified that cannot be filled with a qualified Florida resident; or
- The primary work of the position is required to be done outside the state of Florida; or
- The employee living out of state would save FLVS money.

Current employees are not authorized to move to another state, and remain employed with FLVS, unless their role meets the above criteria as determined by the organization. Additionally, out-of-state employees will not be eligible to bid on or move into any other positions, to include promotions, that do not meet the same guidelines identified above for initial out-of-state employment.

Special consideration will be given to out-of-state moves as a result of Military orders to the employee or the spouse of the employee, and additional effort will be made to accommodate those requests.

In all cases the out-of-state employment must be approved in writing by the President/CEO. Employees who relocate out of state without written approval from the President/CEO and FLVS Board of Trustees will be subject to disciplinary action, up to and including termination.

## PS033 – OUT-OF-STATE EMPLOYMENT

Page 2 of 2

### PROCEDURE:

- All hiring is subject to final approval of the President/CEO and FLVS Board of Trustees.
- Prior to posting a position out of state, Human Resources Manager will ensure that the appropriate approvals for hiring (including the department CO, ET, Benefits, Compliance and Payroll) have been secured.
- For current employees approved to work out of state the CEO may approve appointments/promotions whenever a critical need is identified. The Human Resources Manager will ensure that the appropriate approvals for out of state transfers (including department CO's, ET, Benefits, Compliance and Payroll) have been secured.
- Current employees residing in Florida who are considering relocation to another state are required to submit an email request to Benefits, Human Resources. This request must be submitted at least 90 days **prior** to the anticipated relocation date and this request must meet the criteria listed in this policy.
- Each request will be assessed on an individual basis to ensure compliance with both federal and state laws.
- No relocation or travel reimbursement will be authorized for relocation.
- Employees who reside outside the state of Florida, and are moving to another state outside of Florida, are required to submit an email request to their Benefits, Human Resources **at least** 90 days prior to the anticipated relocation date and this request must meet the criteria listed in this policy. If approved, Benefits will notify the Compliance and Payroll department.
- Change of addresses within any state outside of Florida and those out-of-state employees returning to Florida must be communicated to Benefits, Compliance and Payroll no less than 14 days prior to the actual move.

## PS034 – SECONDARY/OUTSIDE EMPLOYMENT

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

FLVS provides a work environment that is conducive to accomplishing our rigorous goals. As such, it is important that we address all issues that enhance or affect the employee's ability to be successful in meeting his/her organizational commitment and FLVS goals. To that end, FLVS reserves the right to be informed of and approve any secondary/outside employment by its employees.

FLVS prohibits secondary employment for all full-time teachers:

- serving in their probationary period
- that prevents the teacher from being available during prime student work times
- working as high school coaches.

In addition, with regard to secondary employment:

- The employee shall not utilize FLVS preparation and/or implementation time, office space, personnel, hardware, software, or other resources, for non-FLVS purposes.
- Employee may not be employed by a vendor or competitor of FLVS.
- Employee may not be employed by a parent or guardian of one of his/her students.
- Employee may not tutor any FLVS students for compensation.
- Employee must not have any identified performance issues.

# PS035 – TRANSFERS AND PROMOTIONS

Policy Issue Date: 7/1/2018

Page 1 of 4

## POLICY:

FLVS may post job vacancies internally, allowing self-nomination as part of the employee's career development process. Vacancies will be filled with internal candidates where possible. Managers with job vacancies may consider both internal and external candidates in order to place the most qualified person available into the position.

Transfers/appointments may be either voluntary or involuntary. A voluntary transfer is based on an employee request and is subject to department manager, department leader, the Executive Team and Board approval. An involuntary transfer or appointment is initiated by FLVS Administration in order to serve in the best interest of the organization. Appointment requests must be approved by the department manager, department leader, the Executive Team and the Board.

Voluntary or involuntary transfers/appointments to a position which involve a change to a lower job classification will result in the employee's salary being reduced effective the payroll date of the transfer.

Employees who transfer to an equal job classification may undergo a formal salary review. A new salary offer may be made prior to the job transfer.

An employee who is promoted to a higher job classification may receive a promotional salary increase upon completion of a formal salary review.

## PROCEDURE:

### ELIGIBILITY REQUIREMENTS

- A job description must be on file for any position that is being considered for appointment or active recruiting.
- The position must be identified as an open or pending vacancy, with budgeted funds set aside and position control number created.
- An employee must be in his/her current position for 12 months for support staff and 18 months for Instructional staff and have no identified performance issues to be considered for a transfer. The department director may be consulted to provide an override to this guideline at the discretion of the manager and Human Resources.

### INTERNAL JOB BID AWARD

When considering an employee for a job bid the hiring authority should first confirm with the employee's current manager and/or director that the employee may be considered for the position. The hiring authority **must**:

- Consult with the employee's current supervisor to discuss any concerns regarding the employee's performance or potential alignment with the position needs and ensure that the employee meets the requirements of the new position AND review the employee's documented progress to date on the professional development and goals.
- Contact the Human Resources, in order to review the employee's past performance evaluations and any recent, documented performance issues.

## PS035 – TRANSFERS AND PROMOTIONS

Page 2 of 4

- Ensure a job description is on file.
- Ensure the position is identified as an open or pending vacancy, with budgeted funds set aside and position control number created.
- Communicate with the current manager on a transition plan after the employee has accepted the formal offer.
- At no time should the employee and hiring authority engage in conversation, upon initiation by either party, regarding a transition or a pending position until all of the procedural actions have been completed.
- The date of the transition/demotion/promotion must occur on the start of a pay cycle.

Any transfers that result in a change of contract length (from 10-12 or 12-10 month contract), Human Resources Manager will inform Benefits and Payroll departments prior to the effective date of change.

The hiring authority should take that information into consideration before making the final decision. If the employee is selected and accepts the position, the hiring authority will collaborate with Human Resources and the current manager on a transition plan. The Human Resources department will submit the request for a salary analysis, initiate the change in workday, and extend the official offer. The hiring authority should not make any commitments to compensation changes prior to a formal salary review completed and approved by the CEO. .

### COMPENSATION CHANGES PROMOTION

Employees that receive a promotion (change in position that involves movement from one pay grade to another) will have a formal salary analysis completed by the compensation department in order to determine the new compensation amount.

### DEMOTION (VOLUNTARY OR INVOLUNTARY)

Employees that request/receive a demotion (change in position that involves movement from one pay grade to another) will receive a formal salary analysis by the compensation department in order to determine the new compensations amount within the newly assigned pay range.

## PS035 – TRANSFERS AND PROMOTIONS

Page 3 of 4

### INVOLUNTARY TRANSITIONS:

The following defines the procedure for involuntary transitions as requested by management:

1. The Manager must obtain approvals prior to requesting Human Resources to process a demotion or lateral move. Approval must be received from the Manager, Director, CO, ET, Professional Standards and the Board.
2. Upon approval, Human Resources will complete the salary analysis, and initiate the transition
3. The date of the transition must occur on the start of a payroll period.

The following defines the procedure for an internal transfer for a posted position. If at any time in the process, the employee is de-selected from consideration, the employee will be contacted by a member of the Staffing Department, Human Resources

1. The employee will complete and application through the Career Worklet in Workday and apply to an open position of interest. Note that the employee is NOT to go directly to the hiring authority regarding the position and must keep his/her current supervisor informed of any positions for which the employee is applying. If the employee has not informed his/her supervisor of the intent to apply, the employee will be contacted to do so and must provide confirmation before continuing in the process. A delay may cause the employee to fall out of the recruiting timeframe for the position.
2. The Staffing Department, Human Resources will review the employee's experience, education, and qualifications against those required for the position. The Staffing Department, Human Resources will also confirm the employee's time in position and communicate with both department directors for any employees under the 12/18-month requirements to obtain approval for the employee to continue through the internal transfer process. If the employee meets the job requirements as defined in the job description and the time in position requirement (or with director approval), the Staffing Department, Human Resources will forward the employee's information and resume to a hiring authority for review.
3. Following the review by the hiring authority, the hiring authority will inform the Staffing Department, Human Resources as to whether or not the employee has been selected to participate in a phone and/or panel interview.
4. The Staffing Department, Human Resources will coordinate the phone and /or panel interview for the employee.
5. After input from the panel members, the hiring authority will inform the Staffing Department, Human Resources as to if the employee has been selected for the position. The Staffing Department will work in collaboration with the hiring authority to ensure all applicants are notified of the hiring decision.



## PS035 – TRANSFERS AND PROMOTIONS

Page 4 of 4

6. If the employee is selected, the Staffing department, Human Resources will advise the hiring authority that he/she must:
  - » Consult with the employee's current supervisor to discuss the employee's transition plan to his/her new department/position.
7. Once this has been completed, the hiring authority will follow up with the Staffing Department, Human Resources and advise of the start date for the candidate to be processed in Workday. All transition effective dates must align with the start of a new payroll period.
8. Staffing Department, Human Resources will extend a verbal offer to the employee and complete process in Workday.

Additional considerations in regard to internal transfers:

- The target for Support Staff transfers will be a 15-day period but not to exceed 45 days, subject to management approval. Instructional transfers will not exceed 12 weeks, subject to manager's approval or until replacement is available/hired.
- All transfers- including appointments, promotions, demotions and lateral moves will have an effective date aligned with the start of a pay period.

## **PS036 – TEACHING OUT OF FIELD**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

When necessary to meet student demand, FLVS may employ instructional personnel in an out-of-field teaching assignment. Human Resources must document that there are no qualified candidates from the instructional applicant pool or current FLVS instructors with the appropriate certification in the subject area prior to placing an instructor in an out-of-field assignment.

In accordance with Florida Statute 1012.42, instructors being considered for an out-of-field assignment must demonstrate sufficient subject area expertise before being assigned students in that subject area. The parents of students assigned to any instructor assigned to an out-of-field area shall be notified in writing of such assignment.

Human Resources will submit to the Board of Trustees for their approval a list of qualified instructors that are assigned instructional responsibilities outside the area of coverage on their teaching certificate.

An out-of-field instructor will be required to complete the appropriate college credit or equivalent professional development activities toward the appropriate certification as pursuant to state law and state board rules. An out-of-field instructor that fails to meet the state requirements may not be eligible for employment for the subsequent year.

Instructional applicants will not be hired out of field without department leader, ET, and board approval.

## RM001 – ACCESS TO PERSONNEL RECORDS

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

Access requests for personnel records and retention of records are pursuant with section 119.07, Florida Statutes.

All employees may examine their employee records. Employees may provide a written statement/rebuttal to be included in their personnel records.

FLVS reserves the right to charge a per page administrative fee to process any requests made for employee file documents.

*Laws Implemented: Section 119.021 Florida Statute*

### PROCEDURE:

- All employee requests to examine records will need to be submitted to the Records Management, liaison officer.
- An authorized Records Management representative shall be present during the examination.

Employees may not alter, modify, or remove any item contained in the records. They may take a reasonable amount of handwritten notes.

## **RM003 – OFFICIAL TRANSCRIPTS REQUEST**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

Access requests to Official Transcripts are pursuant with section 119.07, Florida Statutes. Official Transcript Request Process for FLVS Students in Grade 6-12 may be requested by accessing “Request my Transcript” button on the Transcript Request Page on FLVS.net. FLVS Full Time Transcript Request Form for those enrolled in FLVS Full Time must complete the form found online and follow the directions on the provided form.

*Laws Implemented: Section 1002.22; 1006.07 Florida Statute*

## **RM004 – IMPROPER USE OF SCHOOL RECORDS**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

Student directories, teacher registers, class record books, registration cards, permanent records, and similar school records shall not be used to provide information to any person outside the school staff, except as provided in file Juvenile Records Administration (JRA), The Permanent Cumulative Pupil Record, and Directory Information without the permission of the President/CEO or his/her designee.

Under no conditions shall the names and addresses of students be given or sold without FLVS Board approval or for the purpose of providing FLVS services with a contract outlining provisions to protect the data from releasing student information outside the guidelines of the contract.

*Laws Implemented: Sections 1002.22; 1001.51 Florida Statutes*

## **RM005 – LEGAL NAME OF STUDENT**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

A parent or any person who seeks to enroll a student under a name other than the legal name or seeks to change the name of a student already enrolled shall be informed that the name of the student as recorded on the birth certificate or other supporting evidence as prescribed in Section 1003.21, Florida Statutes, shall be used until a final court order verifies a different name.

*Laws Implemented: Section 1001.41; 1003.21, Florida Statutes*

## **RM008 – PERSON STANDING IN LOCO PARENTIS TO STUDENT**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

When students are under 18 years of age and do not reside with their parent(s), the parent(s) shall designate in writing to FLVS the individual who stands in loco parentis to the student.

*Laws Implemented: Section 1006.07, Florida Statute*

## RM009 – ACCESS TO STUDENT RECORDS

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

The following persons have access to student records: Board members, President/CEO and staff, professional staff of the school, Records Management Section, clerical and secretarial staff designated by the President/CEO, the parent or guardian of the student, an eligible student, and other persons authorized in writing by the parent/guardian or eligible student.

In cases where a parent does not have custody, FLVS shall presume that the parent has the right to inspect and review the records of the student unless the school has been provided with evidence that there is a legally-binding instrument or court order which provides to the contrary. Pursuant to Section 1002.221(1), F.S., student education records, including student identifiable information, are confidential and exempt from Public Records Requests. In order to protect the rights of our Students and their Families, Florida Virtual School does not release student directory information.

*Laws Implemented: Section 1002.22; Section 1002.221(1), Section 1006.07, Florida Statutes*



## RM010 – RECORDS RETENTION AND DISPOSAL

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

The school board shall establish and maintain via the Records Management Section, a system for the retention and destruction of district records in order to reduce the space required for record storage and to permit the President/CEO to administer the affairs of the district more efficiently.

Pursuant to public records laws and rules of the Florida Department of State, the President/CEO shall via the Records Management, liaison officer follow the records retention schedule set forth by the Florida Department of State for each record series or type of record.

Records which are designated as permanent by the Florida Department of State Library and Archives and those selected by the Board of Trustees, President/CEO, or Records Management, liaison officer as having permanent value may be destroyed after being photographed, imaged, or reproduced on film, provided applicable audits have been completed for the period covering the dates of said documents. Documents in the form of film, electronic image, or prints made in compliance with this rule shall have the same force and effect as the originals and shall be treated as originals for the purpose of admissibility in evidence.

After complying with the provisions of the relevant Florida Statute, the President/CEO is authorized, at his/her discretion, to destroy records, papers, and documents that are on the retention schedule approved by the Division of Archives, provided such records do not serve as an agreement or understanding or have value as permanent records.

Florida Virtual School shall maintain a record of each student's cumulative file/educational documentation. The original of these records shall be retained at the school center for at least two school years and subsequently forwarded in electronic version to the Records Management Section.

*Laws Implemented: Section 119; 257.36(1)(a) FS.*

## **RM011 – RESPONSIBILITIES AND MAINTENANCE OF RECORDS CREATED**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

The Florida Virtual School records management program promotes the efficient, effective, and economical management of public records. Proper records management ensures that information is available when and where it is needed, in an organized and efficient manner, and in an appropriate environment.

Records management is more than retention, storage, and disposition of records; it entails all record-keeping requirements and practices that allow an organization to establish and maintain control over information flow and administrative operations. Florida's records management program is authorized by section 257.36, Florida Statutes and applies to public records as defined in 119.011(12), Florida Statute.

Florida Virtual School maintains compliance in accordance with Rule 1B-24.003(11) and (12) Florida Administrative Code by ensuring each Department within Florida Virtual School, which creates a record, is responsible for the inventory, filing and storage, record copy designation, retention, disposition, legal holds, and maintenance of the record until final disposition.

Laws Implemented: Chapter 119, 257.36 Florida Statutes

## RM012 – RESPONSIBILITIES AND MAINTENANCE OF RECORDS SUBMITTED TO THE EMPLOYEE FILE

Policy Issue Date: 7/1/2018

Page 1 of 2

### POLICY:

Florida Virtual School records management program promotes the efficient, effective, and economical management of public records. Proper records management ensures that information is available when and where it is needed, in an organized and efficient manner, and in an appropriate environment. The Florida Virtual School Electronic Records Management System is the only authorized system to house the official documents for personnel files on all employees, as defined by Florida Statutes on Electronic Recordkeeping in Rule 1B-26.003, *Florida Administrative Code*, which provides standards and guidelines for creation and maintenance of record (master) copies of public records in electronic form. Public records are those as defined by Section 119.011(12), *Florida Statutes*. Therefore, it is each Department Managers responsibility to ensure all documents associated with an individual's personnel file as defined under General Records Schedule GS1-SL, Item#19, Item#162, Item#66, and Item#378 as seen below, be uploaded to the Florida Virtual School Electronic Records Management System within three business days of creation.

### PERSONNEL RECORDS: FLORIDA RETIREMENT SYSTEM, ITEM #19

This record series consists of all personnel information relating to each employee participating in the Florida Retirement System (FRS). The series may include, but is not limited to, employment applications, résumés, personnel action reports, correspondence, oaths of loyalty, fingerprints, job-related medical examination reports, performance evaluation reports, workers' compensation reports, I-9 forms (Department of Homeland Security, U.S. Citizenship and Immigration Services, Employment Eligibility Verification form), benefits records, work schedules/assignments, training records, emergency contact information, and other related materials. Section 110.201, *Florida Statutes*, and Rule 60L-30, *Florida Administrative Code*, require state agency personnel officers to institute uniform personnel rules and procedures, and to determine what records are filed in the personnel file. See also "DRUG TEST CASE FILES," "EMPLOYMENT APPLICATION AND SELECTION RECORDS," "STAFF ADMINISTRATION RECORDS," and other "PERSONNEL RECORDS" items. RETENTION: 25 fiscal years after separation or termination of employment.

### PERSONNEL RECORDS: NON-FLORIDA RETIREMENT SYSTEM (LOCAL GOVERNMENT), ITEM #162

This record series consists of all personnel information relating to each employee not participating in the Florida Retirement System (FRS), including all "permanent" employees (with or without benefits). The series may include, but is not limited to, employment applications, résumés, personnel action reports, correspondence, oaths of loyalty, fingerprints, job-related medical examination reports, performance evaluation reports, workers' compensation reports, I-9 forms (Department of Homeland Security, U.S. Citizenship and Immigration Services, Employment Eligibility Verification form), benefits records, work schedules/assignments, training records, emergency contact information, and other related materials. See also "DRUG TEST CASE FILES," "EMPLOYMENT APPLICATION AND SELECTION RECORDS," "STAFF ADMINISTRATION RECORDS," and other "PERSONNEL RECORDS" items. RETENTION: 50 fiscal years after separation or termination of employment.

**PERSONNEL RECORDS: OPS/VOLUNTEER/INTERN/TEMPORARY EMPLOYMENT, ITEM #66**

This record series consists of all personnel information relating to each Other Personnel Services (OPS), volunteer, intern, or temporary employee within each agency. The series may include, but is not limited to, employment applications, résumés, personnel action reports, correspondence, oaths of loyalty, fingerprints, job-related medical examination reports, performance evaluation reports, workers' compensation reports, I-9 forms (Department of Homeland Security, U.S. Citizenship and Immigration Services, Employment Eligibility Verification form), benefits records, work schedules/ assignments, training records, emergency contact information, and other related materials. Temporary employees may include personnel referred by a local employment agency. Section 110.201, *Florida Statutes*, and Rule 60L-30, Florida Administrative Code require state agency personnel officers to institute uniform personnel rules and procedures and to determine what records are filed in the personnel file. See also "DRUG TEST CASE FILES," "EMPLOYMENT APPLICATION AND SELECTION RECORDS," "STAFF ADMINISTRATION RECORDS," and other "PERSONNEL RECORDS" items. RETENTION: Three fiscal years after separation or termination of employment.

**PERSONNEL RECORDS: SUPPLEMENTAL DOCUMENTATION, ITEM #378**

This record series consists of personnel documentation relating to individual employees that agency rules or policies do not include as part of the official personnel file, and is not covered by other employee-related items. See also "DRUG TEST CASE FILES," "EMPLOYMENT APPLICATION AND SELECTION RECORDS," "STAFF ADMINISTRATION RECORDS," and other "PERSONNEL RECORDS" items. RETENTION: Five fiscal years.

Laws Implemented: Chapter 119, 257.36 Florida Statutes, 1B-26.003, Florida Administrative Code, Rule 1B-24.003(11), and (12) Florida Administrative Code, Section 119.011(12), Florida Statutes.

## **SM002 – STANDARDS FOR STUDENT ACHIEVEMENT**

Policy Issue Date: 7/1/2018

Page 1 of 1

### **POLICY:**

Each year, the President/CEO shall submit to the Florida Virtual School Board of Trustees for approval, the proposed standards for student achievement. All standards for student achievement shall be in accordance with applicable law and shall be brought to the Board to be amended as law requires.

## TRO01 – TRAVEL/ENTERTAINMENT EXPENSES

Policy Issue Date: 7/1/2018

Page 1 of 9

### POLICY:

The Florida Virtual School Board of Trustees recognizes that travel by the Board of Trustees and employees of Florida Virtual School is necessary to the successful operation of Florida Virtual School. Travel shall be reimbursed in accordance with applicable Florida law. The Florida Virtual School Board of Trustees delegates to the President/CEO and his/her designees the authority to approve travel in accordance with Florida law for the benefit of Florida Virtual School. A report on the operating budget travel of the Florida Virtual School Board of Trustees and employees for each month shall be included with the monthly financial report submitted to the Board of Trustees.

In compliance with 112.061, Florida Statutes, FLVS will reimburse regular employees for ordinary, necessary, and reasonable expenses incurred in the course of business-related travel in compliance with Florida State Law, based upon the rates established in sections 112.061 (3), (6), (7), Florida Statutes. Travel expenses must be supported by receipts and an authorization request form pre-approved by a manager is always required for FLVS business travel. Expense reports must be submitted to Finance within 14 business days of the employee's last day of travel for single reports, or within 14 business days of the close of the month for monthly reports.

Although these procedures establish guidelines, it is the responsibility of each traveler to comply with Section 112.061(7) (a), Florida Statutes. This statute requires each employee to travel by the most economical means and states, in part, that all travel must be by a usually traveled route. The [FLVS Travel Worksheet](#) must be used to determine the least expensive method of travel. Any fraudulent claim is subject to criminal prosecution and immediate dismissal from employment with FLVS.

In all cases, when travel includes an overnight stay, FLVS staff are expected to share accommodations unless a medical exemption is on file and approved by the senior manager, Benefits and Compensation. Exceptions may be allowed as determined by the President/CEO or his/her designee. At the President/CEO's discretion, the employee's post-of-duty can be changed for specific business functions.

### PROCEDURE:

#### TRAVEL AUTHORIZATION

Staff will enter a Request in the Concur Travel and Expense system for ALL travel including their projected travel expenses. An expense reimbursement request will not be processed for travel without this pre-approval attached. This is an automated system providing FLVS with an audit trail showing manager approval.

A request must be submitted and approved by the manager for all business travel expenses, whether they are personally paid and requiring reimbursement, company paid, or a combination of the two. This includes any purchases made on a FLVS issued Purchasing Card. A statement of benefits accrued to the organization because of the employee's travel must also be included on the Request.

Reservations for all airline travel, rental vehicles and lodging shall be obtained by using Concur Travel and Expense. Concur Travel and Expense is an online booking tool that limits staffs' out-of-pocket expenses while guiding staff to adhere to FLVS travel policy. Reservations made outside of Concur Travel and Expense should be an exception and may require department director or department leader approval. An exception is made for lodging when a conference hotel rate is less than the State Government rate in Concur. If this occurs, please use the conference site to make your hotel reservations and add a comment of explanation to your request and expense report. A credit card is always required to make a lodging reservation whether you make the reservation inside of Concur or on a conference site.

## TRO01–TRAVEL/ENTERTAINMENTEXPENSES

Page 2 of 9

A benefit provided by FLVS is a traveler’s ability to earn and keep personal travel program rewards. This information must be entered and maintained within the traveler’s Concur profile by the traveler or his/her delegate.

### IN-STATE

In-state travel must be approved by the manager, provided there are dollars budgeted, following the process below:

Unless otherwise stated, the Request in Concur should be submitted at least thirty (30) days prior to a conference and at least seven (7) days prior to a local training/meeting.

### OUT OF STATE

Out-of-state travel for conferences and trainings should be approved by the department leader, prior to being entered into Concur. When possible, the **Conference Travel Request** Form should be submitted for review at least sixty (60) days prior to travel, and the approved form must accompany the travel request when submitted into Concur thirty, (30) days prior to travel. Dollars must be budgeted, and the travel should yield a benefit to FLVS (thought leadership, sales, etc.). Participants will be required to debrief with their teams, sharing what they learned.

Any exceptions to this process for conference travel must be approved by a department leader. All other out-of-state meetings should be requested seven days (7) prior to travel.

### EXPENSE REPORTING

Expenses must be appropriately documented and submitted for approval with an Expense Report that can be obtained online at: <https://www.concursolutions.com/default.asp>.

Include all travel expenses on the expense report, both personally paid and company paid.

Travel and Expense report titles should be descriptive and informative.

Expense reports are to be reviewed and approved by the Expense Team for proper documentation and reasonableness prior to reimbursement. All submitted expenses are subject to review by the employee’s manager, director, and/or department leader.

Expenses must be submitted within 14 business days after the last day of business travel or a business purchase. Expenses submitted beyond this timeframe are subject to denial of reimbursement by a manager. An exception to this procedure shall be given to frequent travelers who may wish to submit their expenses on a monthly basis. In this instance, expenses shall be submitted within 14 business days of the close of the previous month.

## TRO01–TRAVEL/ENTERTAINMENTEXPENSES

Page 3 of 9

Employees must reside more than 50 miles away from a conference/ meeting location to qualify for lodging reimbursement. Employees residing less than 50 miles away from the VLC or a conference/meeting location are expected to commute daily, unless prior approval has been obtained by their department leader. Employees residing less than 50 miles away from the VLC or a conference/meeting location are expected to commute daily, unless prior approval has been obtained by their department leader.

Employees are either provided work space within the VLC or are expected to work from an alternative location, generally their home office. Employees not assigned to the VLC, living more than 50 miles away, will calculate mileage for business travel from their home office, which is their post-of-duty. Employees working virtually and living less than 50 miles from VLC are not eligible for mileage reimbursement to and from the VLC.

When traveling to a meeting or conference outside of the VLC, the employee is reimbursed for mileage as determined by the mileage calculator in Concur. As stated in Section 112.061, the most economical means of travel must always be considered and the lowest cost choice will be reimbursed.

When traveling on FLVS business, mileage and tolls will not be reimbursed for vicinity mileage incurred while staying at the temporary location.

A copy of an itemized agenda showing dates, times, purpose, location, and meals provided, must be attached for per diems to be processed. A copy of a calendar invitation substantiating the reason for travel showing dates, times, purpose, location, and meals provided should be added to all travel expense requests that do not include an official agenda.

### PERSONAL AUTO MILEAGE

The President/CEO may authorize the use of privately owned vehicles for official travel in lieu of publicly owned vehicles or common carriers. The traveler is entitled to a mileage allowance at a fixed rate 44.5 cents per mile. Reimbursement for expenditures relating to the operation, maintenance, and ownership of a vehicle, to include gasoline, shall not be allowed when privately owned vehicles are used on public business.

All personal car mileage is calculated by the mileage calculator built into the Concur system. The calculator utilizes Google Maps as the official mapping tool. In case a person travels by an indirect route for his own convenience, any extra costs shall be borne by the traveler; and reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route.

Employees are expected to choose the most cost-effective method of travel, be it personal vehicle or rental vehicle, determined by the [FLVS Travel Worksheet](#). Employees will be reimbursed for the lesser amount, regardless of the method selected.

Employees may be asked, and are encouraged, to share commuting expenses and carpool when traveling to FLVS meetings or trainings.

Mileage incurred by independent contractors for routine travel to and from the VLC is not reimbursed. Independent contractors should follow the same policies and procedures as FLVS employees, unless their contract dictates otherwise.



### RENTAL OF AUTOMOBILES

Rental vehicles must be booked via the Concur system and billed directly to FLVS. Employees traveling in a rental vehicle are permitted to submit for reimbursement of gasoline and toll expenses incurred.

The preferred provider for FLVS is EAN Services, LLC (Enterprise or National), currently under contract with the State of Florida. Travelers should utilize Enterprise Rent-A-Car or National Car Rental if available and not prohibitively far away.

Economy, Intermediate or Full Class automobiles are to be used unless traveling with three or more staff; carrying large amounts of collateral; or if preapproved by the traveler's manager, in which case a larger vehicle may be selected. Only FLVS staff, business associates, or a staff member's immediate family member are permitted as passengers in the rental car.

Before renting a vehicle, obtaining an electronic copy of an **FLVS insurance identification card** is required and can be found on the Expense Management intranet page. Employees frequently using rentals should obtain a business size insurance card to use when renting vehicles. These insurance cards are available from your Expense Management team.

The rental vehicle contract includes an insurance override agreement that reads:

The State shall have the right and privilege to allow Business Associates and Personal Associates of the Renter to drive the rented vehicle while traveling for business purposes, even though the Business Associate or Personal Associate is not an employee of the Eligible User or the State, and has not signed the rental agreement. Any Business Associate or Personal Associate granted such permission shall be entitled to receive all insurance and other benefits of the rental agreement to the same extent as if the Business Associate or Personal Associate had signed the rental agreement.

A Business Associate is defined as a duly licensed driver who is an employee of the same or another Eligible User, an employee of a state contractor, vendor, or supplier, or a volunteer performing an official state function, and who is traveling with the Renter for the purpose of conducting state business or performing official duties.

A Personal Associate is defined as a duly licensed driver traveling in the rental vehicle with the Renter who has one of the following relationships to the Renter: spouse, life partner, and children above the age of 25 living at Renter's home.

The entire EAN Services, LLC contract with the current pricing and insurance provisions is available on the [State of Florida website here](#).

An additional layer of primary insurance protection is provided for the FLVS traveler if renting through the State of Florida contract with Enterprise Rent-A-Car or National Car Rental. The secondary insurance protections of FLVS (NEFEC) only apply to employees of the Florida Virtual school district that are conducting business for the district. Others must rely on their personal car insurance coverage secondary to the insurance offered by the Vendor. Additional costs for insurance on all rentals are at the expense of the renter and not covered by FLVS. In the state of Florida, a person's PIP coverage is primary regardless of the car he/she is driving.

## TRO01–TRAVEL/ENTERTAINMENTEXPENSES

Page 5 of 9

Prior to returning the rental vehicle, renters should refill the vehicle with regular gasoline to the fuel level at the time of the pickup. It is always less expensive to fill up prior to returning the vehicle to the rental agency. The current state contract with EAN Services, LLC provides for fuel prices to be set the first Monday of each month by the Energy Information Administration. This makes it acceptable to fill up on site at Enterprise Rent-A-Car or National Car Rental when necessary.

The purchase of gasoline or reimbursement of a gasoline purchase on an FLVS purchasing card is only permitted when a rental car is used for FLVS purposes. The business purpose for the travel must be noted on the purchasing card transaction in the system of record. The final purchase receipt is required to document the expense. In the event that gas is prepaid (paid prior to pumping), the traveler must obtain the final (second) receipt showing the final sale amount for the transaction.

Tolls will be reimbursed for actual expenses incurred. Receipts are required for all tolls exceeding \$10.00 per day.

The addition of a GPS/Navigation System or any additional services in a rental car is a personal expense and will not be reimbursed by FLVS. FLVS will not pay fines or fees related to traffic violations, toll violations, or assessed by the rental agency while an employee is traveling in a business rental or leased vehicle.

### LODGING EXPENSES

A traveler may not claim per diem or lodging reimbursement for overnight travel within 50 miles (one-way) of his/her post-of-duty or residence, as determined by the default route on Google Maps, unless the circumstances necessitating the overnight stay are fully explained by the traveler and approved by the President/CEO or his/her designee. Please refer to the "Personal Auto Mileage" section of this manual for the full mileage policy.

When travel includes an overnight stay, FLVS staff will be expected to share accommodations, aligning with the commitment to ensure that the most cost effective methods of travel are utilized. Exceptions may be allowed as determined by the President/CEO or his/her designee. FLVS will provide single accommodations when the employee is on record as having a recurring medical condition or disability and the employee provides a medical statement to the Human Resources Department. The doctor's statement must acknowledge the employee's requirement of a single room and HR must approve the single room request.

Employees who request a room of their own and do not have a medical statement on file with HR, will generally be responsible for making that reservation, and must arrange for the payment of accommodation. The department sponsoring the meeting should notify individuals requesting a single room and Financial Services of the amount that will be reimbursed by FLVS. The amount eligible for reimbursement is the standard amount FLVS would incur for the individual had the room been shared.

Any additional charge the employee incurs above what FLVS has negotiated is the responsibility of the employee. Extended hotel accommodations; additional services or costs; and changes are the financial responsibility of the traveler.

In some instances (staff-wide conferences, Transformations, school visits, etc.) FLVS has contracts in place with hotels to reduce costs and eliminate sales tax. When this is the case, the employee is required to use the hotel under contract if there is availability. This requirement ensures fulfillment of our contract with the hotels. Should an employee choose to stay elsewhere, it is their responsibility to pay for his/her own accommodations. Exceptions may be made when the cost is reviewed and deemed reasonable by the Expense Team and then approved by the employee's manager. No sales tax will be reimbursed to the traveler when a contract is in place at his/her lodging choice.

## TRO01–TRAVEL/ENTERTAINMENTEXPENSES

Page 6 of 9

Itemized motel or hotel receipts must be attached regardless of the method of reimbursement. Receipts must show the name and address of the establishment, the name of the traveler, the daily rate(s) paid, the dates checked in and out, and the number of persons who occupied the room.

If the traveler stayed at a home of friends or relatives, a statement to that effect, noting the names and addresses, must be attached or noted in the expense report remarks.

### MEAL EXPENSES

#### CLASS A AND B TRAVEL

While on an overnight pre-approved business trip (Class A/B Travel), employees are authorized to receive per diem for meals. Meals included in the agenda of a conference/training/meeting are not reimbursed. When breakfast is provided by a hotel, unless there is a medical reason or special circumstance, employees will not be reimbursed for breakfast per diem.

Florida Statute 112.061 (11) (a) requires a copy of the program or agenda of a convention or conference, itemizing registration fees, meals, or lodging included in the registration fee, be attached to, and filed with, the copy of the travel expense authorization.

Reimbursement is based on time of arrival and time of departure:

- Breakfast: \$6.00 Travel begins before 6 a.m. and extends beyond 8 a.m.
- Lunch: \$11.00 Travel begins before 12 p.m. and extends beyond 2 p.m.
- Dinner: \$19.00 Travel begins before 6 p.m. and extends beyond 8 p.m.

A traveler may not claim per diem or lodging reimbursement for overnight travel within 50 miles (one-way) of his/her post-of-duty or residence unless the circumstances necessitating the overnight stay are fully explained by the traveler and approved by the President/CEO or his/her designee.

#### CLASS C TRAVEL

A traveler shall not be reimbursed for Daily Allowance for Class C travel (day trips), but shall receive meals as provided in this section. The allowance for meals shall be based on the following schedule:

- Breakfast: \$6.00 Travel begins before 6 a.m. and extends beyond 8 a.m.
- Lunch: \$11.00 Travel begins before 12 p.m. and extends beyond 2 p.m.
- Dinner: \$19.00 Travel begins before 6 p.m. and extends beyond 8 p.m., or when travel occurs during nighttime hours due to special assignment.

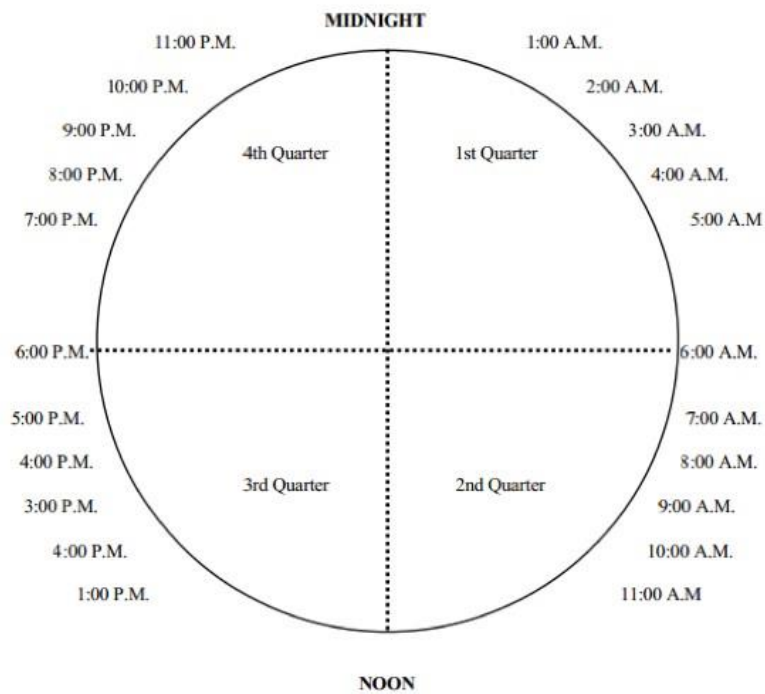
No allowance shall be made for meals when travel is confined to the immediate vicinity of the employee's post-of duty; except assignments of official business outside the traveler's regular place of employment if travel expenses are approved.

The **Class C meal allowance** authorized by Section 112.061(6)(b), Florida Statutes, is **defined as taxable income** by the Internal Revenue Service and is subject to withholding of income and social security taxes. It is required to be reported as wages on the traveler's W-2 form. Class C meal allowances must be shown on the traveler's travel voucher, deducted from the total claimed, and submitted to Payroll for payment through the payroll system. All Class C meal allowances are paid by non-state funds.

PER DIEM IN LIEU OF ACTUAL HOTEL AND MEAL EXPENSES (DAILY ALLOWANCE)

For overnight trips, an employee shall be entitled to a daily allowance rate of \$80 per day, payable for any portion of each six (6) hour period of any day for which travel is incurred. This per diem amount is in lieu of reimbursement for actual hotel expenses and the meal per diem amounts. An appropriate reduction in the stipend amount shall be made for meals included in the agenda of a conference, training, or meeting.

PER DIEM CLOCK



PER DIEMS FOR INTERNATIONAL TRAVEL

Rates for international travel shall not begin until the date and time of arrival in the country from the United States. Rates for international travel shall terminate on the date and time of departure from the foreign country to the United States. Rates for international travel shall not be claimed for any quarter in which meal allowances or per diem is claimed. When a traveler goes from one geographic location to another within the same quarterly period, reimbursement shall be calculated at the applicable rate where the majority of the quarter was spent regardless of which area has a higher reimbursement rate. Pursuant to Section 112.061 (3)(f), Florida Statutes, reimbursement rates for international travel can be found at [https://aoprals.state.gov/web920/per\\_diem.asp](https://aoprals.state.gov/web920/per_diem.asp).

## TRO01 – TRAVEL/ENTERTAINMENT EXPENSES

Page 8 of 9

### PHONE, FAX, AND POSTAGE EXPENSES

Expenses incurred for business communications while traveling on business are normally reimbursable. Personal calls or faxes made during travel are **NOT** reimbursable.

Internet charges should be minimized. When an employee has an air card provided by FLVS, the air card should be used rather than paying for Internet services at the hotel. Wireless Internet is available at all contracted hotels in the Orlando area as well as other locations.

In-flight computer usage is only permitted when the employee has included the expense on a Request; is working on FLVS business; and the flight is more than 2 ½ hours in duration.

### TRANSPORTATION AND PARKING

Bus fare, taxis, and public transportation for business purposes are reimbursable, with receipts.

**No valet parking** will be reimbursed unless there is a medical reason or a special circumstance. Documentation must be provided.

### OTHER FEES

Any expense that exceeds \$10.00, aside from meal per diems, requires a receipt be submitted for reimbursement.

Paid registration receipts must be attached. FLVS does not accept credit card statements or cancelled checks. They do not provide the detail necessary to verify the employee's expense report.

All other receipts for parking, etc. must be attached to the expense report with an explanation of the expense.

### IRS GUIDELINES FOR DOCUMENTING EXPENSES

FLVS complies with the Internal Revenue Service (IRS) rules governing travel, entertainment, and gift expenses. See available rules at [http://www.irs.gov/irm/part1/irm\\_01-032-001.html#d0e429](http://www.irs.gov/irm/part1/irm_01-032-001.html#d0e429).

### DEFINITIONS

**Agenda** - Documentation showing dates, times, location, purpose, and any meals provided at a conference or meeting attended.

#### *Authorized Person* -

1. A person other than a public officer or employee who is authorized by an agency to incur travel expenses in the performance of official duties.
2. A person who is called upon to contribute time and services as a consultant or advisor.
3. A person who is a candidate for an executive or professional position.

**Class A Travel** - Continuous travel of 24 hours or more away from official post-of-duty.

## TRO01–TRAVEL/ENTERTAINMENTEXPENSES

Page 9 of 9

**Class B Travel** - Continuous travel of less than 24 hours, which involves overnight absence from official post-of-duty.

**Class C Travel** - Travel for short or day trips where the traveler is not away from his official post-of-duty overnight.

**Common Carrier** - Train, bus, and commercial airline operating scheduled flights, rental cars of an established rental car firm, state motor pool, state aircraft, or private aircraft.

**Conference** - The coming together of persons with a common interest or interests for the purpose of deliberation, interchange of views, or for the removal of differences or disputes and for discussion of their common problems and interests. The term also includes similar meetings such as seminars and workshops which are large formal group meetings that are programmed and supervised to accomplish intensive research, study, discussion, and work in some specific field or on a governmental problem or problems. A conference does not mean the coming together of agency or interagency personnel.

**Convention** - The assembly of representative groups or persons coming together for the accomplishment of a purpose of interest to a larger group or persons. A convention does not mean the coming together of agency or interagency personnel.

**Daily Allowance** - Per diem in lieu of actual hotel and meal expenses, formerly “Stayed with Family/Friends.”

**Employee** - An individual, other than an officer or authorized person as defined, who is filling a regular or full-time authorized position and is responsible to the agency head.

**Most Economical Method of Travel** - The mode of transportation (privately owned vehicle, common carrier, etc.) designated by an agency head in accordance with criteria prescribed by Section 112.061, Florida Statutes.

**Officer or Public Officer** - An individual who, in the performance of his official duties, is vested by law with sovereign powers of government and who is either elected by the people or commissioned by the Governor and has jurisdiction extending throughout the state, or any person lawfully serving instead of either of the foregoing two classes of individuals as initial designee or successor.

**Post-of-Duty** - The official headquarters as assigned by an employee’s manager and/or the Talent Management Department

**Travel Day** - A period of 24 hours (midnight to midnight) consisting of four quarters of six hours each.

**Travel Expense** - Necessary expenses while traveling; actual expenses while traveling; the usual, ordinary, and incidental expenditures necessarily incurred by the traveler.

**Travel Period** - A period of time between the time of departure and time of return.

**Traveler** - Public officer, public employee, or authorized person when performing authorized travel.

**VLC** - Virtual Learning Center; the administrative office of Florida Virtual School.

## TR002 – LEASED VEHICLE POLICY

Policy Issue Date: 7/1/2018

Page 1 of 3

### POLICY:

FLVS Employees eligible for assignment of an FLVS leased vehicle are district relations managers and other Business Development employees selected at the discretion of the department head. Prior to vehicle assignment, all eligible employees must provide a current DMV status for review to determine insurance eligibility and that he/she has a valid driver's license which is not suspended or revoked in any state.

### WITHDRAWAL OF FLVS VEHICLE PRIVILEGE

The privilege of driving an FLVS provided vehicle may be withdrawn for any of the following reasons:

- Abuse or misuse of the vehicle.
- A driving record which becomes deficient during the course of operating an FLVS leased vehicle.
- Citation or arrest while driving an FLVS leased vehicle under the influence of alcohol, prescription medication, illegal controlled substances, or the act of a crime.
- A driver with three moving violations or any combination of three accidents and/or moving violations within a three-year period will be prohibited from driving an FLVS leased vehicle.

Any of the above-mentioned circumstances may be grounds for disciplinary action, up to and including termination of employment.

### DRIVER RESPONSIBILITIES

FLVS employees who are assigned a vehicle are responsible for driving their vehicle in a safe and reliable manner. Employees must know and abide by all driving laws in all areas where they operate their FLVS leased vehicle. Additionally, employees must maintain a valid driver's license for the state in which they are living. If, for any reason, an employee's driver's license is revoked, suspended, or restricted, it is mandatory that the Senior Manager, Florida Services be notified immediately who in turn will notify the Facilities Manager and FLVS Office of Professional Standards of any violations.

### SAFETY GUIDELINES

Seat belts are mandatory for all occupants at all times, without exception. It is the employee's responsibility to ensure that all occupants fasten their seat belts prior to operating the vehicle. Any malfunctioning seat belt should be repaired and replaced immediately. FLVS reserves the right to disqualify any employee from operating an FLVS vehicle in the event the driver does not comply with this policy.

In addition, FLVS expects all employees to drive defensively during business travel and to obey all traffic laws. Employees taking prescription medication that may impair their ability to safely operate their leased vehicle must immediately notify the Senior Manager, Florida Services. FLVS leased vehicles should not be used to transport flammable items, firearms, or other hazardous materials. An FLVS leased vehicle may not be used to transport a hitchhiker or any other unauthorized person or material. This policy has been established by our insurance provider and must be observed for the protection of the employee and FLVS.

## TR002 – LEASED VEHICLE POLICY

Page 2 of 3

### TRAFFIC VIOLATIONS

All summons for traffic or parking citations must be paid immediately and must be reported to the Senior Manager, Florida Services upon issuance who in turn will report such citations to the FLVS Office of Professional Standards. Under no circumstances must traffic or parking citations be charged to FLVS.

### PERSONAL USE OF AN FLVS VEHICLE

FLVS leased vehicles are to be used only for FLVS business. No unauthorized drivers are permitted to operate an FLVS leased vehicle.

### VEHICLE MAINTENANCE

Every driver of an FLVS assigned vehicle is expected to maintain his/her assigned vehicle in a safe operating condition. Maintenance schedules outlined in your vehicle's owner manual should be adhered to and receipts-maintained documenting that prescribed service work was completed. Particular attention should be paid to the maintenance requirements for keeping the warranty of your vehicle in effect. Also, it is the employee's responsibility to notify the leasing company that his/her vehicle will be taken in for maintenance. Never leave an FLVS leased vehicle at a service facility without specific instructions from the leasing company as to what work needs to be done.

### GARAGING

The FLVS employee is responsible for ensuring all necessary precautions are taken to prevent damage and theft of the FLVS leased vehicle and/or its contents at all times. Whenever you leave an FLVS leased vehicle, follow these precautions:

- Roll up all windows.
- Lock all doors.
- Do not leave merchandise and equipment in open view inside a vehicle, which may tempt a break-in. Lock all valuable items inside the trunk when the vehicle is left unattended.

When traveling outside your residential area on FLVS business, make sure to take reasonable precautions to safeguard the vehicle and its contents. When possible, select an off-street, lighted area close to a business or hotel entrance where normal police surveillance or security protection exists.

### DRIVING OUTSIDE OF THE UNITED STATES

An FLVS leased vehicle may not be used outside of the continental United States for any reason without the prior consent from the Senior Manager, Florida Services.

### TRAILER TOWING

Your FLVS leased vehicle should not be fitted with a trailer hitch to pull a trailer or boat without prior authorization from management. In addition, your FLVS leased vehicle should not be used to push another vehicle.



## TR002 – LEASED VEHICLE POLICY

Page 3 of 3

### BUMPER STICKERS

Under no circumstances should bumper or window stickers be affixed to an FLVS leased vehicle unless prior consent is received from management.

### FLVS VEHICLE ODOMETERS

FLVS leased vehicle odometers shall be governed in accordance with the following federal odometer laws and regulations:

1. Change of mileage indicated on the odometer is prohibited. No person shall disconnect, reset, or alter, the odometer of any motor vehicle with intent to change the number of miles indicated thereon.
2. Operation of a motor vehicle with knowledge of disconnected or non-functional odometer is prohibited.

No person shall, with intent to defraud, operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or non-functional.

Any FLVS employee who knowingly violates the federal laws specified in items 1 and/or 2 above will be terminated and FLVS may pursue available civil or criminal remedies.

### PROCEDURE:

#### WHAT TO DO IN CASE OF AN ACCIDENT

- An FLVS accident reporting form and insurance card must be maintained in the glove compartment of the vehicle at all times. The form can be accessed in the full [FLVS Leased Vehicle Policy](#).
- The driver must notify the local police and state motor vehicle authorities of the accident.
- The driver must obtain the insurance information of the other driver and take multiple pictures of the incident, as well as secure a police report of the event.
- All accidents, no matter how seemingly inconsequential, must be reported to the Senior Manager, Florida Services.
- An FLVS accident reporting form must be filled out completely with all other documentation included, and submitted to the Senior Manager, Florida Services who in turn will submit to the Asset Management/Documentum Specialist and the Office of Professional Standards for action.

#### STOLEN VEHICLE

If the FLVS vehicle is stolen or if there is any attempted break-in or theft of items from an FLVS leased vehicle it must be reported to the local police department. FLVS requires that the following information be provided to the Senior Manager, Florida Services who shall submit to the Office of Professional Standards for action:

- A copy of the incident/police report which shall have the name, badge, and precinct number of the police officers responding to your call. Maintain a copy of the report for your files.
- A list by model and serial number of any equipment, which was stolen.
  - The date and location of where the theft occurred.

## TR003 – INK CARTRIDGE REIMBURSEMENT

Policy Issue Date: 7/1/2018

Page 1 of 1

### POLICY:

Virtual staff with FLVS issued printers will be entitled to receive two black and two-color printer cartridges per year. Virtual staff using non-FLVS issued printers will be reimbursed for two black and two color printer cartridges per year and reimbursement will not exceed \$35.00 per order (one black and one color cartridge) or \$70.00 per year.

### PROCEDURE:

- Virtual staff will request all printer cartridges through their departmental support.
- The individual departmental support will maintain a log of printer cartridges ordered and verify staff eligibility.
- Orders for printer cartridges for FLVS issued printers will be fulfilled by the FLVS contracted Vendor and shipped directly to the staff's home office.
- Printer Cartridges for non-FLVS issued printers will be purchased by the individual staff member at the approval of their manager. The Inventory team will advise staff on the most economical purchasing option that takes advantage of FLVS discounts.
- Reimbursement for printer cartridges for non-FLVS issued printers should be requested through the expense reimbursement system.
- The reimbursement request must be accompanied by the appropriate documentation. The documentation includes a detailed receipt for the printer cartridge purchase and a copy of the initial Help Ticket.
- The Expense team will reimburse the individual for printer cartridges, not to exceed \$35.00 per order (one black and one color printer cartridge) or \$70.00 per year.

# STU001-HOMELESS STUDENT EDUCATION

Page 1 of 5

The purpose of this policy is to clarify statutory rights of children and youth experiencing homelessness as provided by federal and state law. Together with other public education agencies in our community, FLVS Full Time will ensure that all homeless children and youth receive a free appropriate public education and are given meaningful opportunities to succeed in our schools. FLVS Full Time will also follow the requirements of the McKinney-Vento Act for students and families who wish to enroll in their public school of choice. Under federal law, homeless children and youth must have access to appropriate public education and be given a full opportunity to meet state and local academic achievement standards. They must be included in statewide and district-wide assessments and accountability systems and be free from discrimination, segregation, and harassment.

In addition to notifying the parent or guardian of the homeless student or the unaccompanied youth of the applicable rights described in this policy, public notice of the educational rights of homeless children and youths is made available on the FLVS website.

## **Definitions**

The McKinney-Vento Act defines *homeless children and youth* as individuals who lack a fixed, regular, and adequate nighttime residence, including:

- Sharing the housing of other persons due to loss of housing, economic hardship, or similar reason.
- Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations.
- Living in emergency or transitional shelters.
- Are abandoned in hospitals.
- Having a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
- Migratory children who are living in circumstances described above.

The McKinney-Vento Act defines the term *unaccompanied* youth to include a homeless child or youth under the age of 21, who is not in the physical custody of a parent or guardian.

The McKinney-Vento Act defines the term *school of origin* to mean the school that the student attended when permanently housed or the school where the child or youth was last enrolled.

The McKinney-Vento Act defines the term *enroll and enrollment* to include attending classes and participating fully in school activities.

The term *immediate* means without delay.

The term *parent* means either or both natural or adoptive parent or legal guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in the place of the parent.

# STU001-HOMELESS STUDENT EDUCATION

Page 2 of 5

The term *liaison* is the staff person designated by the school leadership as the person responsible for carrying out the duties assigned to the liaison by the McKinney-Vento Act.

## LIAISON

The FLVS Full Time school liaisons shall be the school principals or their designee.

The liaison shall make a final determination of homeless status on a case-by-case basis.

## SCHOOL ADVOCATE(S)

The school advocates shall be the school counselor(s).

## IDENTIFICATION

The liaison, in collaboration with the FLVS Full Time enrollment team, school advocates, and school personnel, will identify homeless children who seek enrollment in our schools. The liaison will train the school advocates and school personnel on possible indicators of homelessness, sensitivity in identifying families and youth in transition, and procedures for forwarding information indicating homelessness to the liaison. FLVS Full Time will utilize the enrollment document on Student Residency Declaration form to identify homeless students to ensure barriers to identifying, enrolling, and retaining homeless children and youth in school are removed [s.722(g)(1)(J)].

The liaison will maintain data on the number of homeless children and youth in school, where they are living, their academic achievement (including performance on statewide and district-wide assessments, and the reasons for any enrollment delays, interruptions in their education, or school transfers. The liaison will collaborate with the school advocates to ensure no barriers exist for receiving credit for full or partial coursework satisfactorily completed by homeless children and youth while attending a prior school [s.722(g)(1)(F)(i)].

## SCHOOL SELECTION

Each homeless child and youth has the right to remain at his/her school of origin or to attend any school in the attendance area in which the child or youth is actually living. FLVS Full time ensures that any homeless child or youth may continue their education in the school of origin for the duration of homelessness in any case in which a family becomes homeless between academic years or during an academic year [s.722(g)(3)(A)(i)]. Feasibility of enrollment in FLVS shall be a child-centered determination, based on the needs and best interests of the particular student, and give priority to the wishes of the parent or youth. Potential feasibility considerations include, but are not limited to:

- Safety of the student
- Continuity of instruction
- Likely area of family or youth's future housing
- Time remaining in the academic year
- Anticipated length of stay in temporary living situation
- School placement of siblings

Services that are required to be provided, including services under federal and other programs, shall not be considered in determining feasibility of enrollment. If enrollment of a homeless child in FLVS Full Time is determined not to be feasible, FLVS Full Time will communicate this decision to parents and other relevant parties, in writing.

## ENROLLMENT

## STU001-HOMELESS STUDENT EDUCATION

### Page 3 of 5

Homeless students may not have school enrollment documents readily available. Nonetheless, FLVS Full Time, if selected for enrollment and determined feasible for a homeless child, must immediately enroll the homeless child. Enrollment may not be denied or delayed due to the lack of any document normally required for enrollment, including:

- Proof of residency [s.722(g)(3)(C)(i) and s.722(g)(1)(H)(ii)]
- Transcripts/school records (The enrolling school must contact the student's previous school to obtain school records. Initial placement of students whose records are not immediately available can be made based on the student's age and information gathered from the student, parent, and previous schools or teachers.) [s.722(g)(3)(C)(i) and s.722(g)(1)(H)(i)]
- Immunizations or immunization/health/medical/physical records (If necessary, the school must refer students to the Homeless Liaison to assist with obtaining immunizations and/or immunization and other medical records. Health records may often be obtained from previous schools or state registries, and school- or community-based clinics can initiate immunizations when needed.) [s.722(g)(3)(C)(i) and s.722(g)(3)(H)(i)]
- Proof of guardianship [s.722(g)(1)(H)(iv)]
- Birth certificate [s.722(g)(3)(D) and s.722(g)(1)(H)(iii)]
- Outstanding fees, fines, or absences [s.722(g)(1)(I)]
- Any other document requirements [s.722(g)(1)(H)(iii) and s.722(g)(3)(C)(i)(I)]
- Any factor related to the student's living situation

### FULL PARTICIPATION AND COMPARABLE SERVICES

Homeless children shall not be stigmatized or segregated on the basis of their status as homeless [s.722(g)(1)(J)(i)] and shall be provided services comparable to services offered to other students in our school, including:

- Title I (as described below) [s.722(g)(4)(B)]
- Educational services for which the student meets eligibility criteria, including special education [s.722(g)(4)(B)] and related services and programs for English language learners [s.722(g)(4)(B)]
- programs in career and technical education [s.722(g)(4)(C)]
- programs for gifted and talented students [s.722(g)(4)(D)]

FLVS Full Time recognizes that homeless children may suffer from disabilities, but may not have been evaluated for such or may lack documentation regarding prior evaluation, including a copy of their Individualized Education Program (IEP). To address this problem, evaluations of homeless children suspected of having a disability shall be given priority and coordinated with a student's prior and subsequent schools as necessary to ensure timely completion of a full evaluation. If a student has an IEP, the school shall immediately implement it. Any necessary IEP meetings or re-evaluations shall then be conducted expeditiously. If complete records are not available, IEP teams must use good judgment in choosing the best course of action, balancing procedural requirements and the provision of services. In all cases, the goal will be to avoid any disruption in appropriate services.

Any homeless student who becomes permanently housed during the academic year, may remain at their school of origin for the remainder of the academic year and continue to receive all McKinney-Vento Act benefits [s.722(g)(3)(A)(i)(II)] If a homeless child or youth's living arrangements change such that they move out of state, arrangements will be made to allow them to continue for the remainder of the school year.

Any children and youths experiencing homelessness, and who meet the relevant eligibility criteria, will have access to all available academic and extracurricular activities for which they meet relevant eligibility criteria [s.722(g)(1)(F)(iii)]

Any unaccompanied homeless high school youth will receive counseling to prepare and improve their readiness for postsecondary education [s.722(g)(1)(K)]

# STU001-HOMELESS STUDENT EDUCATION

Page 4 of 5

## RECORDS

FLVS ensures that all records will be maintained for each homeless child or youth including:

- information related to the homeless child or youth's living situation;
- immunization or other required health records;
- academic records;
- guardianship records; and
- evaluations for special services [s.722(g)(3)(D)].

FLVS ensures that all records are:

- made available, in a timely fashion, when a child or youth enters a new school [s.722(g)(3)(D)(i)]
- held confidential in a manner consistent with section 444 of the General Education Provision Act (20 U.S.C. 1232g) [s.722(g)(3)(D)(ii)]; and
- treated as a student education record, and shall not be deemed to be directory information, under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) [s.722(g)(3)(G)].

## DISPUTES

A parent, guardian, or unaccompanied homeless youth may dispute a school determination regarding eligibility for McKinney-Vento services, school selection, or enrollment.

During such a dispute, the child or youth will either remain enrolled in the student's school of origin or shall be immediately enrolled in the eligible school in which enrollment was requested, pending resolution of the dispute including all available appeals [s.722(g)(3)(E)(i)]

- A parent or guardian or unaccompanied youth will be provided with a written explanation of the FLVS decision regarding the school selection or enrollment in a manner and form understandable to the parent, guardian, or unaccompanied youth [s.722(g)(3)(B)(iii)], including the rights of the parent, guardian or student to appeal the decision [s.722(g)(3)(B)(iii)] through FLVS' enrollment dispute procedure and the Florida Department of Education's appeal process [s.722(g)(3)(e)(ii)];
- The student, parent or guardian shall be referred to the FLVS Homeless Liaison, who shall ensure the resolution process is carried out as expeditiously as possible after receiving notice of the dispute [s.722(g)(3)(e)(iii)].

FLVS Enrollment Dispute Procedure:

- (a) The Principal shall complete the electronic "School Selection Committee Request" which provides the Liaison a written explanation of the school's position regarding school selection of a student and the nature of the dispute.
- (b) The Homeless Liaison shall refer the matter to the "School Selection Committee", who shall, within 15 business days after receipt, schedule a meeting with school administration, and the family in an effort to resolve the dispute. The primary objective in reaching a resolution is to determine whether maintaining the student's current enrollment is in the student's best interest.
- (c) In the event the matter is not resolved, the School Selection Committee shall provide the parent or guardian of the student or the unaccompanied youth with a written explanation of the its decision regarding school selection, including the rights of the parent, guardian or student to appeal the decision through the Florida Department of Education's appeal process.

# STU001-HOMELESS STUDENT EDUCATION

Page 5 of 5

(d) The Homeless Liaison will provide the parent, guardian or student the FLDOE School Dispute Resolution Appeal Process form. The form must be completed and returned to the Homeless Liaison within 10 business day, who shall send it, along with any additional written documentation provided by the school, to FLDOE.

The State of Florida Dispute Resolution Process can be found and referred to at:

<http://www.fldoe.org/core/fileparse.php/7482/urlt/0084796-disputeresolutionprocess.pdf>

## TITLE I

Children and youth in transition are automatically eligible for Title I services. The trauma and instability of homelessness put students at sufficient risk of academic regression to warrant additional support. The amount reserved shall be determined by a formula based upon the per-pupil Title I expenditure and developed jointly by the liaison, senior manager of Federal Programs, and the Title 1 administrator. Homeless children shall be assessed, reported on, and included in accountability systems, as required by federal law and U.S. Department of Education regulations and guidance.

## TRAINING

On behalf of FLVS Full Time the Liaison will conduct training and sensitivity awareness activities for school staff including the school advocates and other staff that would be in a position to identify homeless students, at least once each year. The trainings and activities will be designed to increase staff awareness of homelessness, facilitate immediate enrollment, and ensure compliance with this policy.

## REFERENCES

- McKinney-Vento Homeless Assistance Act, Subtitle VII-B Reauthorized December 10, 2015 by Title IX, Part A of the Every Student Succeeds Act (Effective October 1, 2016)
- Title I, Part A of the Elementary and Secondary Education Act, 20 U.S.C. §§6311 – 6315
- The Individuals with Disabilities Education Act, 20 U.S.C. §§1400 et seq
- June 5, 1992, Policy of the Administration for Children and Families of the U.S. Department of Health and Human Services

Ref.: 42 U.S.C. §§11431, 11432, Ch. 119, Sub. VI, Part B: Education for Homeless Children and Youths  
20 U.S.C. §§6311–6315, Title I, Part A of the Elementary and Secondary Education Act  
§§120.50—82, 1001.41, 1001.42, 1001.43, and 1002.37, Fla. Stat. (2020)

Adopted: 03/02/2021

Amended: 03/02/2021

# RISK-001 RISK MANAGEMENT CLAIMS COMMITTEE AND LITIGATION CLAIMS

Page 1 of 2

## **Risk Management**

Florida Virtual School (“FLVS”) is self-insured in accordance with Florida law for personal injury, property damage, worker’s compensation, and similar claims. FLVS is a member of the North East Florida Educational Consortium (“NEFEC”) Risk Management Program which utilizes third-party administrator (“TPA”) services to process and assist with the management and resolution of certain insured claims.

### **A. Risk Management Claims Committee**

A Risk Management and Claims Committee is established to review and authorize settlement of certain claims. The committee shall be comprised of:

1. the FLVS President & CEO or his/her authorized designee;
2. the FLVS Chief Operations Officer or his/her authorized designee;
3. the FLVS Risk Manager (or department head/director of Risk Management); and
4. the FLVS General Counsel or his/her authorized designee

### **B. Settlement Authority**

The Board hereby authorizes:

1. The Risk Manager to settle any worker’s compensation, personal injury, or property damage claim up to \$20,000, upon consultation with the General Counsel and approval of the President & CEO.
2. The President & CEO to settle any worker’s compensation, tort, property damage, statutory, and contractual claim up to \$100,000 upon consultation with the General Counsel.
3. The President & CEO to execute on the Board’s behalf appropriate settlement documents in connection with the settlement of any of the foregoing claims, provided that such documents have been reviewed and approved by the General Counsel or his/her authorized designee.

### **C. Claims Committee Meetings**

The Claims Committee may be convened by the President & CEO at such time and with such frequency as he/she deems necessary and appropriate. Any settlement requiring payment by FLVS in excess of \$100,000 must be presented to and authorized by a majority vote of the FLVS Board of Trustees. Absent Board approval, no monetary settlement shall exceed the statutory limits imposed by section 768.28 of the Florida Statutes.



# RISK-001 RISK MANAGEMENT CLAIMS COMMITTEE AND LITIGATION CLAIMS

Page 2 of 2

## D. Initiation of litigation and appeals

Lawsuits and appeals shall not be initiated by or on behalf of FLVS absent Board approval. If the Board's pre-approval cannot be obtained due to extraordinary or exigent circumstances (including the expiration of time limitations imposed by law or applicable rule or regulation), the President and CEO, upon consultation with the FLVS General Counsel, is authorized to initiate such action so long as the Board is promptly notified thereafter. The President and CEO and the General Counsel shall ensure that the existence and status of such actions are regularly reported to the Board in accordance with applicable laws, regulations, and Board Policies.

Litigation/Actions which DO NOT Require Board Pre-Approval:

1. Loss recovery of claims initiated by third-party administrators on behalf of FLVS;
2. Bankruptcy and receivership claims (e.g., claims, filings, and proceedings to pursue and secure payment of debts owed to FLVS);
3. Any administrative action or proceeding, including those governed by the Florida Administrative Procedure Act
4. Class action claims wherein FLVS is listed as a member of a class.

Ref: §§120.50—82, 1001.41, 1001.42, and 1001.43, 1002.37, Fla. Stat.

Adopted: 03/02/2021

Amended: 03/02/2021

# Purchasing and Contracting for Commodities and Contractual Services Policy



## 6320 - PURCHASING AND CONTRACTING FOR COMMODITIES AND SERVICES

### **Purchasing Authority**

The Procurement and Contracting Department shall provide a uniform and systematic method for procurements in an efficient, cost-effective manner in accordance with, and as permitted by, applicable federal and state laws, Florida State Board of Education Rules, FLVS policies, and administrative rules, procedures and guidelines which promote transparency and accountability in the expenditure of public funds and use of public resources.

The Director of Procurement and Contracting shall, under the direction of the President/CEO or designee, have the authority for the procurement of commodities and services and to expend monies which are properly budgeted and adhere to the requirements herein. All expenditures budgeted for commodities and services shall be processed through the Procurement Department and receive approval in accordance with this FLVS Policy.

### **Scope**

This Policy shall govern the purchase of commodities and services for FLVS through the use of a competitive solicitation, where required by law or as determined to be in the best interest of FLVS, and purchases which are specifically exempted by law from competitive solicitation, when those commodities and services are purchased using FLVS funds or grant proceeds.

### **Definitions**

- A. "Competitive Solicitation" or "Solicitation" means purchasing made through the issuance of an invitation to bid, request for proposals and invitation to negotiate.
- B. "Director of Procurement" or "Director of Procurement and Contracting" shall mean the department head for the FLVS Procurement and Contracting Department appointed by the President/CEO.
- C. "Invitation to Bid" or "ITB" means a written or electronic solicitation for competitive sealed bids. The invitation to bid is used when the Board is capable of specifically defining the scope of work for which a contractual service is required or when the Board is capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is publicly posted.
- D. "Invitation to Negotiate" or "ITN" means a written or electronically posted solicitation for competitive sealed replies to select one (1) or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the Board determines that negotiations may be necessary for it to receive the best value. A written solicitation includes a solicitation that is publicly posted.
- E. "President/CEO" or "CEO" means the "President/CEO or designee".
- F. "Procurement Department" shall mean the FLVS Department of Procurement and Contracting, or such department name as designated from time to time.
- G. "Proposer" or "Bidder" means those vendors submitting bids or responses to a competitive solicitation.

- H. "Request for Proposals" or "RFP" means a written or electronically posted solicitation for competitive sealed proposals. The request for proposals is used when it is not practicable for the Board to specifically define the scope of work for which the commodity, group of commodities, or service is required and when the Board is requesting that a responsible vendor propose a commodity, group of commodities, or service to meet the specifications of the solicitation document. A written solicitation includes a solicitation that is publicly posted.
- I. "Request for Quotations" or "RFQ" means a formal or informal process to solicit three (3) or more price quotes on commodities or services with standard specifications and valued under the threshold requiring formal competitive solicitations. Quotations may be obtained verbally or via facsimile or e-mail. A Request for Quotation may also be issued as a secondary bid to awarded vendors under a competitive solicitation.

### **Delegation of Authority**

As set forth below, the Board has delegated limited authority to the CEO or their designee and the Director of Procurement, relating to the purchase of commodities and services for FLVS in compliance with applicable federal and state laws, Florida State Board of Education Rules, Board Policies, and administrative rules, procedures, and guidelines. In addition, the Board has delegated certain authority to the CEO, Director of Procurement, and the Office of General Counsel with regard to handling matters relating to Chapter 120, Florida Statutes.

#### **A. Director of Procurement**

The Board designates the FLVS Procurement and Contracting Department as FLVS's official purchasing agent, and accordingly, authority is delegated to the Director of Procurement to:

- determine the appropriate and most cost-effective purchasing method of contract procurement, including competitive solicitations, direct negotiations, and/or methods that allow FLVS to take advantage of value discounts and special pricing agreements, where appropriate;
- approve the evaluation criteria for procuring commodities and services, including any preference required or allowable by law or Board policy;
- oversee the competitive solicitation process in collaboration with the FLVS requesting department to include receiving formal information through requests for information when needed; create the competitive solicitation document; approve the specifications, terms, and conditions; select members of the evaluation committee; and receive, open, tabulate, and evaluate proposals, responses, bids, and replies in accordance with the provisions of this Policy;
- receive and process any and all notices of protest and formal written protests for the purpose of determining whether the notices or written protests are timely and have a timely and properly posted bond, hold the informal resolution meeting as required by Chapter 120, Florida Statutes, dismiss any invalid bid protests as determined by the Office of General Counsel, and report any valid bid protests to the Board at least quarterly;
- approve and issue purchase orders for purchases made in accordance with this Policy;
- track ITB, ITN, RFPs, and other Board-awarded contracts to ensure that the amount of funds encumbered by purchase orders does not exceed the budgeted funds approved by the Board; and
- oversee negotiations with vendors when appropriate.

#### **B. Office of General Counsel**

Authority is delegated to the Office of General Counsel for the following matters relating to Chapter 120, Florida Statutes, Administrative Proceedings, including administrative hearings:

- ruling on motions to extend the deadline for filing a formal written protest or other petitions for administrative hearing;
- conducting or otherwise arrange for the conducting of informal proceedings;
- referring formal written protests or other petitions for administrative hearings pursuant to section 120.57(3), Florida Statutes, to the Division of Administrative Hearings;
- entering orders determining whether a formal written protest, or other petition for administrative hearing is timely and appropriately filed or meets required pleading requirements;
- entering final orders approving or rejecting administrative actions related to settlements, withdrawn petitions, voluntary case closures, and other undisputed procedural matters associated with the initiation or closure of administrative proceedings; and
- executing final orders following Board action.

### **Pre-Purchasing Review of Available Purchasing Agreements and State Term Contracts for Nonacademic Commodities and Services**

Before purchasing nonacademic commodities and services, the Procurement Director or designee shall review the purchasing agreements and State term contracts available under section 287.056, Florida Statutes, to determine whether it is in FLVS's economic advantage to use the agreements and contracts.

FLVS may use the cooperative State purchasing programs managed through the regional consortium service organizations pursuant to section 1001.451, Florida Statutes.

### **Competitive Solicitation Requirements for Commodities and Services**

Except as authorized by law or policy, Competitive Solicitations shall be requested for the purchase of any commodities or services in an amount equal to or greater than \$50,000.00. This threshold shall be determined based upon the total value of the award of

the initial contract, excluding any optional renewal terms. The procurement of commodities or services may not be divided so as to avoid this monetary threshold requirement.

- A. Competitive Solicitation. The President/CEO, in consultation with the Director of Procurement, is authorized to issue competitive solicitations for the purchase of any commodities or services.
- B. Competitive Solicitation Publication. Notice of competitive solicitations shall be published electronically, direct delivery, or other means which are appropriate under the circumstances. The required response due date is to be announced at the time of such publication. The due date shall not be less than five (5) business days (defined as Monday through Friday, excluding Federal and State holidays) after the Competitive Solicitation publication date.
- C. Opening of Competitive Solicitations. Responses shall be opened in a time, place and manner consistent with the Competitive Solicitation and applicable Florida law.
- D. Rejection of Bids or Responses. FLVS may reject any or all bids, proposals, or responses to Competitive Solicitations. FLVS shall retain the right to waive irregularities and informalities in bids, proposals and responses, and to recommend award to the bid, proposal or response which serves the best interest of FLVS.
- E. Competitive Solicitation Award. All competitive solicitation awards for which the total value is equal to or greater than \$300,000.00 (excluding optional renewal terms) shall be presented to the Board for approval prior to the execution of the contract and/or issuance of the purchase order. Competitive Solicitations less than \$300,000.00 shall be approved by the Director of Procurement and Contracting and the CEO. Board/CEO may, in its sole discretion, award to one or more proposers or by lots, if it is in the best interests of FLVS.

Award of a competitive solicitation by the Board or CEO shall only represent an indication by the Board that a bid or proposal represents the best value to FLVS meeting the requirements and criteria set forth in the competitive solicitation. Award of a competitive solicitation shall not create a binding obligation on FLVS until such time as the CEO or designee executes a contract and a purchase order is issued.

#### **Identical/Tie Low Bids or Proposals**

In the case of identical qualified bids or proposals, the following criteria shall be utilized to determine award of the procurement:

- A. Minority and Women's Business Enterprises (M/WBE) vendor certified by one of the following agencies: Orange County Government, City of Orlando, State of Florida Department of Management Services or National Supplier Diversity Council (NMSDC).
- B. Certified Veteran Business Enterprise. The certification of a veteran business enterprise shall be granted by the Florida Department of Management Services, with the assistance of the Department of Veterans' Affairs, as required by State law.
- C. Certification under Florida Statutes as a Drug-Free Workplace.
- D. Payment discount offered.
- E. Coin flip.

#### **Protests Arising from the Contract Solicitation or Award Process**

- A. FLVS's Notice of Decision or Intended Decision. Pursuant to section 120.57(3), Florida Statutes, the Director of Procurement or designee shall post notice of a decision or intended decision concerning a solicitation or contract award arising out of the contract solicitation or award process by electronic posting. "Electronic posting" or "electronically post" means the noticing of solicitations, agency decisions or intended decisions, or other matters relating to procurement on www.FLVS.net. This notice shall contain the following statement: "Failure to file a protest within the time prescribed in section 120.57(3), Florida Statutes, or failure to post a bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."
- B. Notice of Protest. In a contract procurement process, any person who is adversely affected by the agency decision or intended decision and intends to protest the decision or intended decision, shall file a notice of protest in writing with the Director of Procurement within seventy-two (72) hours after the posting of the notice of decision or intended decision. With respect to a protest of the terms, conditions, and specifications contained in a solicitation, including any provisions governing the methods for ranking bids, proposals, or replies, awarding contracts, reserving rights of further negotiation, or modifying or amending any contract, the notice of protest shall be filed in writing within seventy-two (72) hours after the posting of the solicitation.
  - 1. A notice of protest should not be filed before the seventy-two (72) hour period begins. The seventy-two (72) hour period begins upon posting of the decision or intended decision.
  - 2. The notice of protest must be received by the FLVS Procurement Department before the seventy-two (72) hour period expires. The seventy-two (72) hour period excludes Saturdays, Sundays, and holidays when the FLVS

administrative office is closed. The seventy-two (72) hour period is not extended by service of the notice of protest by mail. Failure to timely file a notice of protest shall constitute a waiver of proceedings under this section and section 120.57(3), Florida Statutes.

3. The notice of protest shall identify the procurement by number and title or any other language that will clearly enable FLVS to identify it; and it shall state that the person intends to protest the decision.

- C. Formal Written Protest. The protester shall file a formal written protest within ten (10) calendar days after the date the notice of protest is filed. Failure to timely file the formal written protest shall constitute a waiver of proceedings under this Policy and section 120.57(3), Florida Statutes. The ten (10) calendar day period for filing the petition is not extended by service of the petition by mail.

The formal written protest shall be a petition that:

1. states with particularity the facts and law upon which the protest is based;
2. contains all the information specified in Rule 28-106.201(2), Florida Administrative Code, and Rule 28-106.301(2), Florida Administrative Code;
3. is substantially in the form of petition set forth in Rule 28-110.004(2), Florida Administrative Code, naming "Florida Virtual School" as the Respondent; and
4. should include a request for a hearing involving disputed issues of material fact; or, if the relevant facts are not in dispute, the petition should so allege and request a hearing not involving disputed issues of material fact.

Pursuant to Rule 28-110.004(1), Florida Administrative Code, if the formal written protest is filed in proper form within the seventy-two (72) hour period for filing a notice of protest, the formal written protest will also constitute the notice of protest, and all time limits applicable to a notice of protest are waived and the time limits relative to formal written protests shall apply.

The party protesting the bid specification or recommended award shall be required to post a bond in a form consistent with Rule 28-110.005(2), Florida Administrative Code and timely submit that bond to the FLVS Procurement Department.

- D. Bond. Any person who files an action protesting a decision or intended decision pertaining to a solicitation or contract award shall post with the Director of Procurement, at the time of filing the formal written protest, a bond secured by an acceptable surety company in Florida, payable to "Florida Virtual School" in an amount equal to one percent (1%) of FLVS's estimate of the dollar value of the proposed contract.

1. FLVS shall provide the estimated contract amount to the protester within seventy-two (72) hours (excluding Saturdays, Sundays, and holidays when the FLVS administrative office is closed) after the filing of the notice of protest. The estimated contract amount is not subject to protest under this Policy or section 120.57(3), Florida Statutes. This information may be provided as part of the decision or intended decision documents. In lieu of a bond, the Director of Procurement may accept a cashier's check, official bank check, or money order in the amount of the bond.
2. The bond shall be conditioned upon the payment of all costs and charges which may be adjudged against the protestor in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding.
3. If, after completion of the administrative hearing process and any appellate court proceedings, FLVS prevails, it shall be entitled to recover all costs and charges which are included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the person protesting the decision or intended decision or contract award, the bond, cashier's check, official bank check, or money order shall be returned to the protestor. If, after the completion of the administrative hearing process and any appellate court proceedings, the protestor prevails, the protestor may recover FLVS the costs and charges which are included in the final order or judgment, excluding attorney's fees.

- E. Staying the Procurement Process. Upon timely receipt of the formal written protest petition, the solicitation or contract award process shall be stopped until the subject of the protest is resolved by final agency action, unless the CEO sets forth in writing particular facts and circumstances which require the continuance of the solicitation or contract award process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare.

- F. Informal Resolution Meeting. The Director of Procurement shall provide an opportunity to resolve the protest by mutual agreement between the parties within seven (7) business days of receipt of the formal written protest. All affected parties shall be notified of the notice of protest.

1. Hearing. If the protest is not resolved by mutual agreement within seven (7) business days after receipt of the formal written protest; and

- a. if there is no disputed issue of material fact, an informal proceeding shall be conducted pursuant to section 120.57(2), Florida Statutes and applicable Board Policies, and may be conducted before an impartial hearing officer who is a member in good standing of The Florida Bar; or
  - b. if there is a disputed issue of material fact, in accordance with section 120.569, Florida Statutes, the protest shall be referred within fifteen (15) days after the Director of Procurement receives the Formal Written Protest to the Division of Administrative Hearings for a formal hearing under section 120.57(1), Florida Statutes.
2. **Burden of Proof.** As stated in section 120.57(3)(f), Florida Statutes, the burden of proof shall rest with the party protesting the proposed agency action.
- a. In any bid-protest proceeding contesting an intended agency action to reject all bids, proposals, or replies, the standard of review shall be whether FLVS's intended action is illegal, arbitrary, dishonest, or fraudulent.
  - b. In Competitive Solicitation protests other than those contesting an intended agency action to reject all bids, proposals, or replies, the hearing officer or administrative law judge will conduct a de novo proceeding to determine whether FLVS's proposed action is contrary to the governing statutes, Board's Policies, or the solicitation documents. The standard of proof for such proceedings shall be whether the proposed agency action was clearly erroneous, contrary to competition, arbitrary, or capricious.

#### **Requirements for Commodities and Services under \$50,000.00**

All purchases of commodities and services whose cumulative total over a fiscal year equals or exceeds \$25,000.00, but is less than \$50,000.00, shall require a formal Request for Quote (RFQ) by the Procurement Department unless waived by the Director of Procurement or designee. All awarded formal quotes shall be approved by the Director of Procurement or designee prior to execution of contract or issuance of purchase order.

For all purchases of commodities and services whose cumulative total value over a fiscal year is under \$25,000.00 it is recommended that quotes be obtained when possible. Quotes may be informal and obtained by telephone or email by the department authorized personnel or Procurement department. All quotes shall be approved by the Director of Procurement or designee prior to the issuance of a purchase order.

#### **Exception to Competitive Bidding Requirements, "Exemptions"**

Notwithstanding anything in this policy to the contrary, the Director of Procurement may make exempt certain purchases from the requirement for Competitive Solicitations, under the conditions permitted Rule 6A-1.012, Florida Administrative Code, and other applicable law.

The CEO is authorized to purchase commodities and services under the Florida Department of Management Services State term contracts in any amount that does not exceed the applicable appropriation in the budget.

#### **Grant Purchases**

Procurement of all supplies, materials, equipment, and services paid for from Federal funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, Board policies, and administrative procedures. Procurements utilizing Federal funds shall be in accordance with 2 CFR Part 200, (Uniform Grant Guidance) and Education Department General Administrative Regulations (EDGAR).

#### **Contracting Authority and Execution**

Contracts shall be approved and executed as follows:

- A. **CEO/Designee Authority.** The CEO is authorized to approve and execute contracts on behalf of FLVS involving expenditure of public funds in an amount no greater than \$300,000.00 (excluding optional renewal terms, but inclusive of all amendments within the fiscal year), so long as the obligation created does not exceed the applicable appropriation within the FLVS budget and the contract is otherwise in compliance with applicable FLVS procedures, policies, and law. For purposes of this policy, any group of contracts, purchase orders to the same provider which are connected in terms of time, location and services such that a reasonable person would view them as a single contract shall be deemed to be a single contract; it being understood that the procurement of commodities or services shall not be divided so as to avoid the monetary cap imposed by this policy.
- B. **Office of General Counsel Review.** All contract templates and any changes thereto shall be reviewed and approved as to legal form by the Office of General Counsel or designee. The Office of General Counsel's review and approval shall also be required for contracts that are not FLVS approved contract templates.
- C. **Signature Authority.** The CEO's signature authority may be further delegated by the CEO to such person(s) and for such purposes as the CEO designates from time to time in writing and filed with the Procurement Director. Any FLVS contract signed pursuant to this subsection shall note the delegated authority in the FLVS signature. No person, unless authorized to do so under Board policy, may execute a contract for the purchase of services or commodities. Any person who executes a contract without authority shall be personally liable for such indebtedness, and such contract shall be null and void.

### **Purchase Order Approval**

The Procurement Director or designee is authorized to issue purchase orders in accordance with bids, proposals or exemptions awarded pursuant to this policy without further action of the Board so long as the obligation created does not exceed the applicable appropriation within the FLVS budget.

### **Amendments and Change Orders to Contracts**

Board approval shall be required for all amendments or change orders to contracts for commodities and services when the amount of the amendment or change order exceeds the Board approved budget for the expenditure or \$300,000.00 within a fiscal year. The Board's approval of the contract shall be deemed to include the Board's approval of contract renewal amendments on the same terms and conditions for contemplated optional renewal terms, so that such contract renewal amendments shall not require Board approval so long as such renewal does not exceed the applicable appropriation within the FLVS budget and the renewal is otherwise in compliance with applicable FLVS procedures, policies, and law.

The Director of Procurement and CEO shall approve all other change orders and amendments that are at or below the \$300,000.00 annual fiscal year threshold.

### **Ethics**

- A. FLVS shall not knowingly enter into a contract with any supplier of materials, supplies and services that: (a) any Board member or the CEO has any financial interest, direct or indirect, whatsoever; (b) a spouse or child of any Board member or the CEO, has employment relationship or a material interest as defined by section 112.312(15), Florida Statutes; or (c) any FLVS employee has a material interest as defined by section 112.312(15), Florida Statutes, unless the contract is based up on a competitive bid and the FLVS employee has not, directly or indirectly, participated in the development of bid specifications or in the recommendation for purchase or award.
- B. FLVS employees shall not accept any form of compensation, payment, or thing of value from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services. No employee shall be the approver or initiator of purchases from any contractor or vendor for which an immediate family member or household member is the point of contact, the individual performing the services, or holds an executive level position. In this situation the FLVS employee is required to recuse themselves from participating directly or indirectly in the procurement process.

### **Lobbying and Cone of Silence Period**

Lobbying is defined as any action taken by an individual, firm, association, joint venture, partnership, syndicate, corporation, and all other groups who seek to influence the governmental decision of a Board Member or FLVS personnel after advertisement and prior to the award of a contract.

"Cone of Silence" shall refer to the period of time between the posting of a Competitive Solicitation and the posting of a decision or intended decision with regard to that Competitive Solicitation. Vendors, lobbyists, consultants, agents, bidders and/or proposers shall not contact members of the Board, FLVS staff, or evaluation committee members after the advertisement of any Competitive Solicitation prior to the announcement of an award. In addition, evaluation committee members or other FLVS employees shall not be contacted or approached by representatives of any potential vendors/bidders anytime during the solicitation process. Contact or communication initiated as described above, may result in disqualification of the proposer or bidder.

Cone of Silence does not apply to the following:

- A. Communications between a potential vendor, service provider, bidder, lobbyist, or consultant and the FLVS procurement department.
- B. Communications between a potential vendor, service provider, bidder, lobbyist, or consultant and the Office of General Counsel.
- C. Communications at duly noticed pre-bid meetings and site visits prior to bid opening or post bid-opening meetings and site visits, which are administered by either the procurement department, prior to issuance of a written recommendation of contract award.

Notwithstanding the foregoing, communications are permissible when such communications with a prospective respondent are necessary for, and solely related to, the ordinary course of business concerning any existing contract(s) between the prospective respondent and FLVS employees for the materials or services addressed in the solicitation (but in no event shall any existing vendor intending to submit a bid or proposal initiate communications to any member(s) of the Board).

### **Debarment**

The Director of Procurement shall have the authority to debar a person/corporation, for cause, from consideration or award of further contracts. The debarment shall be for a period commensurate with the seriousness of the cause, generally not to exceed three (3) years. If a suspension precedes a debarment, the suspension period shall not be considered in determining the debarment period. When the offense is willful or blatant, a longer term of debarment may be imposed, up to an indefinite period.

- A. Notice of Recommended Decision. The Director of Procurement or designee shall issue a notice letter that advises the party that it is debarred or suspended. The letter shall: state the reason(s) for the action taken; and inform the vendor of its right to petition the Board for reconsideration.



- B. Right to Request a Hearing. Any person who is dissatisfied or aggrieved with the notification of the determination to debar or suspend must, within ten (10) calendar days of such notification, appeal such determination to the Board.
- C. Hearing Date. The Board shall schedule a hearing at which time the person shall be given the opportunity to demonstrate why the debarment/suspension by the Procurement Director should be overturned. All parties shall be given notice of the hearing date.

© Neola 2021

Legal            F.S. 255.05  
                      F.S. 255.0516  
                      F.S. 255.0518  
                      F.S. 282.0041  
                      F.S. 287.056  
                      F.S. 287.084  
                      F.S. 287.087  
                      F.S. 287.132  
                      F.S. 287.133  
                      F.S. 295.187  
                      F.S. 1001.43  
                      F.S. 1001.451  
                      F.S. 1010.04  
                      F.S. 1010.07(2)  
                      F.S. 1010.48  
                      F.A.C. 6A-1.012, Purchasing Policies

*Adopted: 06/22/2021*

*Amended: 06/22/2021*

# Use of FLVS Facilities Policy



## 7510 - **USE OF FLVS FACILITIES**

Florida Virtual School ("FLVS") believes that the facilities of FLVS should be made available for community purposes, provided that such use does not infringe on the original and necessary purpose of the property or interfere with the educational program of FLVS.

For purposes of this policy the term "facilities" means and refers to all physical property and assets owned, leased, or otherwise under the exclusive control of the Board of Control.

The Board will permit the use of FLVS facilities when such permission has been requested in writing and has been approved by the FLVS President and CEO ("CEO").

A Facilities Manager shall be appointed by the CEO. The Facilities Manager shall be responsible for safeguarding FLVS facilities, enforcing and informing users of applicable Board Policies, provide for the maintenance and execution of proper forms, and for the collection of associated fees and payments. Third party users must provide proof of insurance acceptable to FLVS Risk Management officials. Certificates of Insurance must show FLVS as an additional insured.

### **Use by School-Oriented Organizations and Groups**

There shall be no charge for use of FLVS facilities to groups and parties approved by the Facilities Manager related to and connected with FLVS, and or its students.

### **Long-Term Use**

A written contract authorized by the CEO and approved by the Office of General Counsel shall be required for any long-term use of FLVS facilities.

### **Prohibitions**

FLVS facilities shall not be available or used for any of the following:

- A. private or commercial activities absent approval of the CEO;
- B. activities or events involving any form of gambling or any illegal activity;
- C. activities or events prohibited by Board policy;
- D. activities or events held or sponsored by any organization or party which believes in or teaches directly or indirectly, the overthrow of the governments of the United States, or the State of Florida.

© Neola 2002

Legal F.S. 1013.10

*Adopted: 06/22/2021*

*Amended: 06/22/2021*

# Tobacco-Free Environment Policy



#### 7434 - **TOBACCO-FREE ENVIRONMENT**

Florida Virtual School ("FLVS") Board of Trustees ("Board") is committed to providing students, staff, and visitors with a tobacco-free environment, including all environs in or on all properties and facilities owned, leased, or otherwise under the control of the Board pursuant to law and/or a written, Board-authorized contract. The negative health effects of tobacco use for both users and nonusers, particularly in connection with secondhand smoke, are well established. Further, providing a tobacco-free environment is consistent with the responsibilities of teachers and staff to be positive role models for our students.

For purposes of this policy, "use of tobacco" shall mean:

- A. to chew or smoke tobacco, and tobacco products such as cigarettes, cigars, pipe tobacco, chewing tobacco, and snuff;
- B. to use vapor-generating electronic devices, e-cigarettes (including, but not limited to, "JUULs"), vaping products or supplies, vape pods, liquids or other vaping supplies, products providing for the delivery and consumption of tobacco; and
- C. to use other substitute forms of cigarettes, clove cigarettes, or other lighted smoking devices for burning tobacco or tobacco products.

#### **Designated Areas**

Smoking is prohibited in all areas except those designated by the Facilities Manager.

#### **Notification**

"No Tobacco" signs will be posted throughout FLVS facilities at the discretion and direction of the CEO. Students will be provided notice of this policy through student handbooks, and notice that it is unlawful for any person, student, or visitor, not of the age of twenty-one (21), to possess, purchase, or attempt to purchase tobacco products

Persons not complying with this policy will be subject to disciplinary action in compliance with Board policies and applicable laws and regulations.

© Neola 2020

Legal

F.S. 381.84  
F.S. 386.202  
F.S. 386.204  
F.S. 386.212  
20 U.S.C. 6081 et seq.  
20 U.S.C. 7182  
*Adopted: 06/22/2021*  
*Amended: 06/22/2021*

# Maintenance Policy



**7410 -MAINTENANCE**

The FLVS President and Chief Executive Officer (CEO) shall be responsible for any needed repairs or enhancements to Florida Virtual Schools ("FLVS") property is addressed in accordance with the risk of such repairs presenting a danger or inconvenience to staff, students or visitors, or FLVS incurring additional cost as a result of. The CEO will require that all preventive maintenance will be executed according to the associated equipment maintenance schedules.

© Neola 2016

Legal                      F.S. 1001.51  
                                  F.S. 1013.35  
                                  *Adopted: 06/22/2021*  
                                  *Amended: 06/22/2021*

# Weapons Policy



## 1217 - WEAPONS

But for the exceptions specified below, pursuant to State law, Florida Virtual School ("FLVS") prohibits FLVS employees from openly carrying a handgun or carrying a concealed weapon or firearm, in a school safety zone, into any elementary or secondary school, administration building, as well as into any Board of Trustees ("Board") meeting, any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle.

Furthermore, the Board prohibits FLVS employees from having an unloaded firearm securely encased within the interior of a private motor vehicle when that vehicle is parked on property leased, owned, or contracted for by the Board.

Weapons and firearms as defined in F.S. 790.001 and include, but are not limited to, firearms, guns of any type, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

For purposes of this policy, the term "weapon" also means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons.

Exceptions to the Board's prohibition from openly carrying a handgun or carrying a concealed weapon or firearm, in the school safety zone of any elementary or secondary school, into any administration building, as well as into any Board meeting, any setting that is under the control and supervision of FLVS for the purpose of school activities approved and authorized by FLVS including, but not limited to, property leased, owned, or contracted for by FLVS, any school-sponsored event, or in an FLVS vehicle include the following:

- A. A person may carry an unloaded firearm in a case to a firearms program, class or function which has been approved in advance by the Principal or site administrator as a program or class to which firearms could be carried.
- B. A person may carry an unloaded firearm in a case to a career center having a firearms training range.
- C. Members of the Armed Forces, National Guard, police, or other licensed law enforcement officers, as well as other persons approved by FLVS on a case-by-case basis, may possess a firearm or weapon.
- D. Staff members, contractors, vendors, or their employees may possess and use tools, instruments, and other devices on FLVS property or at FLVS -sponsored event, including in vehicles in either situation, even though such items fall within the definition of weapons, provided that such possession and use is in accordance with the terms of a written contract with the Board, or is otherwise in furtherance of their duties under such a contract and is authorized in advance by the President and Chief Executive Officer ("CEO").

All FLVS employees shall immediately report knowledge of firearms, weapons, and/or threats of violence by students, staff members, or visitors to their immediate supervisor and the Facilities Manager or the FLVS CEO. Failure to report such knowledge may subject FLVS employees to discipline up to and including termination of employment.

The CEO shall require that any FLVS employee possessing a firearm, weapon, or other device designed to inflict serious bodily harm, including a concealed firearm or weapon, in violation of this policy and State law, is reported immediately to the appropriate law enforcement agency, regardless of whether such FLVS employee possesses a valid concealed weapon license. As well, the staff member shall be subject to disciplinary action, up to and including termination, consistent with law, due process, and the terms of any negotiated agreement.

The CEO shall post notices at each entrance of a school and/or school building and in areas inside the building where visitors are required to report prohibiting an individual from openly carrying a handgun or carrying a concealed weapon or firearm in a school safety zone, including schools and school buildings, on school premises and school buses, and at school activities. Such notices shall also be posted at each entrance leading into a school activity (particularly those activities held outside of the school building) and school campuses. Further, notices shall be posted in each school bus and other Board-owned vehicle, including a school van.

© Neola 2014

Legal

- F.S. 790.001
- F.S. 790.06
- F.S. 790.115
- F.S. 790.251
- F.S. 1001.43
- F.S. 1006.07
- 18 U.S.C. 922

*Adopted: 06/22/2021*  
*Amended: 06/22/2021*

# Insurance, Risk Management, And Claims Settlement Policy



## 8710 - **INSURANCE**

The President and Chief Executive Officer ("CEO") of the Florida Virtual School ("FLVS") shall negotiate with commercial insurance carriers for the type and amount of insurance policies necessary to protect FLVS from major financial losses. The CEO is authorized to delegate such duties herein set forth to other personnel, representatives, and authorized agents of FLVS as the CEO deems appropriate.

Examples of such insurance policies purchased include, but need not be limited to, the following types of losses:

- A. buildings and their contents;
- B. boiler and machinery;
- C. special coverage for equipment not ordinarily covered under a standard policy;
- D. the expenses of defending any claim against School Board members, officers, or employees of FLVS arising out of and in the course of the performance of their duties; and
- E. loss or damage from liability for the general acts or errors and omissions of FLVS officers, employees, or volunteers;

Insurance for a given coverage shall be obtained at the lowest possible cost, assuming that service and company reliability are satisfactory.

The Board may, after considering the recommendations of the CEO, choose to retain the cost of certain liabilities (self-insure) through a risk management program as found in F.S. 768.28.

© **Neola 2017**

Legal

F.S. 768.28

F.S. 1001.32(3)

F.S. 1001.42

*Adopted: 06/22/2021*

*Amended: 06/22/2021*

# Bonding Policy



#### 8740 - **BONDING**

The Board of Trustees ("Board") recognizes that prudent trusteeship of the financial resources and assets of the Florida Virtual School ("FLVS") dictate that employees responsible for the safekeeping of FLVS monies be bonded.

FLVS shall be indemnified against loss of money by bonding of employees holding the positions and in the amounts determined by the Board.

All other employees handling money shall be covered under a blanket bond in an amount determined by the Board.

The Board shall bear the cost of bonding each employee required to be bonded by this policy.

© **Neola 2002**

Legal                      F.S. 1001.42  
                                  F.S. 1010.40  
                                  F.S. 1010.41  
                                  *Adopted: 06/22/2021*  
                                  *Amended: 06/22/2021*

# Joint Self-Insurance Pool Policy



#### 8770 - JOINT SELF-INSURANCE POOL

The Board of Trustees ("Board") recognizes the benefits to Florida Virtual School ("FLVS") of joining and pooling with other public school districts and agencies in providing cost-effective coverage for the insurance needs of FLVS and in participating in programs of risk management to prevent loss, reduce expenses, and to control liability.

Examples of such pooled insurance plans include, but are not necessarily limited to, are as follows:

- A. loss or damage to FLVS property, real or personal;
- B. loss or damage from liability resulting from the use of FLVS property;
- C. loss or damage from liability for the acts and omissions of FLVS officers, employees, or volunteers;
- D. loss or damage from liability established by the workers' compensation statutes;
- E. the expenses of defending any claim against the Board members, officers, or employees of FLVS arising out of and in the course of the performance of their duties;
- F. hospital and medical insurance coverage.

The Board authorizes the CEO to obtain FLVS's membership in a pooled self-insurance group.,

© Neola 2002

Legal                      F.S. 768.28  
                                  F.S. 1001.42  
                                  *Adopted: 06/22/2021*  
                                  *Amended: 06/22/2021*



Emergency  
Management,  
Emergency  
Preparedness, And  
Emergency Response  
Agencies Policy

## 8420 - EMERGENCY MANAGEMENT, EMERGENCY PREPAREDNESS, AND EMERGENCY RESPONSE AGENCIES

### Emergency Management and Emergency Preparedness

The Board of Trustees ("Board") recognizes that its responsibility for the safety of students and staff requires that it formulate and prescribe in consultation with appropriate public safety agencies emergency management and emergency preparedness procedures for Florida Virtual School ("FLVS") , including emergency notification procedures for life-threatening emergencies, including, but not limited, fires; natural disasters; bomb threats; weapon-use, hostage and active shooter situations; hazardous materials or toxic chemical spills; weather emergencies, including hurricanes, tornadoes, and severe storms; and exposure as a result of a manmade emergency and that such emergencies are best met by preparedness and planning.

The active shooter situation training must engage the participation of the threat assessment team members, faculty, and staff and must be conducted by the law enforcement agency or agencies that are designated as first responders to each FLVS facility.

The President and Chief Executive Officer ("CEO") (in conjunction with the threat assessment team) shall develop, and revise as necessary, an FLVS Disaster Plan to provide for the safety and welfare of the students and staff, as well as a system of emergency preparedness and accompanying procedures that provide for the following:

- A. a listing of the commonly used alarm system response for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes;
- B. the health and safety of students and staff are safeguarded;
- C. embraces a collaborative effort with community emergency responders;
- D. the time necessary for instructional purposes is not unduly diverted;
- E. minimum disruption to the educational program occurs;
- F. students are helped to learn self-reliance and trained to respond sensibly to emergency situations;
- G. the system is supported by ongoing training that will include practical application and appropriate "drills" as required by F.S. 1001.42;
- H. evacuation drills should represent actual emergencies, including, but not limited to firearm, natural disasters, and bomb threats;
- I. emergency egress and relocation drills (including, but not necessarily limited to, fire drills) in accordance with the requirements of the Florida Fire Prevention Code, the Fire Code (NFPA 1), and the Life Safety Code (NFPA 101);
- J. drills for active shooter and hostage situations shall be conducted in accordance with developmentally appropriate and age-appropriate procedures at least as often as other emergency drills; and
- K. floor plans of each FLVS facility must be provided to all community emergency responders in support of evacuation procedures.

All threats to the safety of FLVS facilities, students, and staff shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness. Any aspect of the emergency preparedness plan and/or procedures that are included in the FLVS Disaster Plan shall remain confidential and exempt from public records disclosure in accordance with State law.

The CEO, as part of the development of the emergency preparedness plan and procedures, shall establish a schedule to test the functionality and coverage capacity of all emergency communication systems and determine if adequate signal strength is available in all areas of school campuses.

© Neola 2019

Legal

- Florida Fire Prevention Code (F.S. 633.202)
- F.S. 1001.43
- F.S. 1006.07
- F.S. 1013.13
- Fire Code (NFPA 1)
- Life Safety Code (NFPA 101)
- Adopted: 06/22/2021*
- Amended: 06/22/2021*

# Reporting Accidents/Incidents Policy



#### 8442 - **REPORTING ACCIDENTS/INCIDENTS**

The Board of Trustees ("Board") desires that the staff make reasonable efforts to ensure a safe learning and working environment. To that end, the Board requires that accidents and incidents be reported to the Office of Risk Management in order to be evaluated for safety and health concerns.

All Accidents/Incidents shall be reported immediately to the Office of Risk Management. The report shall include, but not be limited to, the date, time, and place of the accident/incident; the names of persons involved; the nature of the injury to the extent that it is known; and a description of all relevant circumstances.

Any Florida Virtual School ("FLVS") employee or authorized agent of the Board who suffers a job-related injury must also report the injury and its circumstances to their immediate supervisor and the FLVS Benefits Department, as appropriate, as soon as possible following the occurrence of the injury.

An employee's failure to comply with the reporting requirements outlined above may result in disciplinary action up to and including termination.

© Neola 2002

Legal

F.S. 1006.017

*Adopted: 06/22/2021*

*Amended: 06/22/2021*

# Student Records Policy

## 8330 - **STUDENT RECORDS**

In order to provide appropriate educational services and programming, Florida Virtual School ("FLVS") must collect, retain, and use information about individual students. It must also safeguard students' privacy and restrict access to students' personally identifiable information ("PII") pursuant to state and federal law.

### **Maintenance of Student Records**

FLVS shall maintain a permanent cumulative record for each student enrolled in the school which record shall contain the data prescribed by F.A.C. 6A-1.0955, applicable State and Federal law, and Board policies. Each student's cumulative record shall include the following types of data:

#### A. Category A Records, Permanent Information

1. Student's full legal name.
2. Authenticated birthdate, place of birth, race, ethnicity, and sex.
3. Last known address of the student.
4. Name(s) of the student's parent(s) or guardian(s).
5. Name and location of last school attended.
6. Number of days present and absent, date enrolled, date withdrawn.
7. Courses taken and record of achievements, such as grades, credits, or certification of competence.
8. Date of graduation or date of program completion.
9. Records of requests for access to and disclosure of personally identifiable information from the student's educational records.

#### B. Category B Records, Temporary Information

1. Health information, family background data, standardized test scores, State-mandated achievement test scores, educational and vocational plans, honors and activities, work experience reports, and teacher/counselor comments.
2. Reports of student services or exceptional student staffing committees including all information required by F.S. 1001.42.
3. Correspondence from community agencies or private professionals.
4. Driver education certificate.

5. A list of schools attended.
6. Written agreements of corrections, deletions, or expunctions as a result of meetings or hearings to amend educational records.
7. Written requests to waive access to confidential records.
8. Written requests to restrict the release of directory information.
9. Court orders of relevance.
10. Records of major student disciplinary actions, suspension, and/or expulsion records.
11. Home language survey.
12. Student Limited English Proficiency (LEP) Plans.
13. Such other records of educational importance as the school shall deem necessary.
14. Records designated for retention by the Florida Department of State in General Records Schedule GS7 for Public Schools Pre-K - 12, Adult and Vocational/Technical.

Category A and B records shall be maintained in compliance with the approved FLVS records retention schedule.

### **Person Standing In Loco Parentis To Student**

When students are under eighteen (18) years of age and do not reside with their parent(s), the parent(s) shall designate in writing to FLVS the individual who stands in loco parentis to the student.

Individual exceptional student records shall be kept separate from regular cumulative records. These records shall be sent to each succeeding school the student attends in the FLVS and shall be maintained in accordance with the approved FLVS records retention plan.

Records are to be maintained by the organizational department that houses the repository for their unique records. Upon request by Records Management, these departments will provide any/all records to satisfy a Public Request for Records or a Subpoena as deemed necessary by Records Management

Periodic review for elimination of outdated information in student records by the custodian or designees shall be made in accordance with F.S. 1001.52, and the approved FLVS records retention plan. The custodian of the student records shall be responsible for maintaining the accuracy of information by purging student records in accordance with the General Records Schedule for Public Schools (GS-7). Explanations placed in the education record and the record of access shall be maintained for as long as the education record to which it pertains is maintained. This procedure must be implemented before records are released to any vocational-technical centers, community colleges, or institutions of higher learning in which the student seeks or intends to enroll.

<b>Type Record</b>	<b>Location</b>	<b>Custodian</b>	<b>Address</b>
Active and inactive student records as specified in the current Student Records Manual for FLVS	Last school attended	Principal of last school attended	As shown in local directory
Inactive student cumulative records (Category A) as specified in the current Student Records Manual for FLVS	Central FLVS office	CEO or designee	Records Management Educational Services Facility
Individual exceptional student education records as specified in the	Last school attended	Principal of last school attended	As shown in local directory



Individual student psychological records as specified in the current Student Records Manual for FLVS	Last school attended	Principal of last school attended	As shown in local directory
---	----------------------	--------------------------------------	--------------------------------

### **Limitations on Collection and Retention of Certain Information**

FLVS shall not collect, obtain, or retain information on the political affiliation, voting history, religious affiliation, or biometric information of a student or a parent or sibling of a student. For purposes of this paragraph, the term "biometric information" means information collected from the electronic measurement or evaluation of any physical or behavioral characteristics that are attributable to a single person, including fingerprint characteristics, hand characteristics, eye characteristics, vocal characteristics, and any other physical characteristics used for the purpose of electronically identifying that person with a high degree of certainty. Examples of biometric information include, but are not limited to, a fingerprint or hand scan, a retina or iris scan, a voice print, or a facial geometry scan.

FLVS shall not maintain any report or record relative to a student that includes a copy of a student's fingerprints.

The CEO or designee will be responsible for the privacy and security of records that are not under the supervision of the school principal.

### **Access to Student Records**

The rights of students and their parents with respect to education records created, maintained, or used by FLVS must be protected in accordance with FERPA, State law, and the implementing regulations and rules issued pursuant thereto. Students and their parents have the right to access their education records, including the right to inspect and review those records, have the right to waive their access to their education records in certain circumstances, have the right to challenge the content of education records, have the right of privacy with respect to such records and reports, and receive annual notice of their rights with respect to education records.

In addition to students and their parents and eligible students, student records shall be available only to designated school officials and personnel, to such other persons as the parent or eligible student authorizes in writing, a court of competent jurisdiction or to other individuals or organizations as permitted by law. The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" refers to students who are eighteen (18) years of age or older, or who are enrolled in a postsecondary institution, regardless of age.

Schools may, without consent of parents, guardians, or eligible students, provide access to school officials to perform an administrative, supervisory, or instructional task, or to perform a service or benefit for the student or the student's family, and psychologists within FLVS providing they have a legitimate educational interest. Support employees may be designated by the principal for the purpose of doing clerical work and maintaining student records. However, such persons shall receive in-service training concerning the confidentiality of student records and work under the supervision and control of an administrative staff member.

Whenever a student has attained eighteen (18) years of age, the permission and consent required of and rights accorded to the parents of the student as to student records maintained by FLVS shall thereafter be required of and accorded to the eligible student only, unless the eligible student is a dependent of his/her parents as defined in Title 26 U.S.C. Section 152 of the Internal Revenue Code of 1954. FLVS may, in this instance, disclose personally identifiable information from the education records to the parents without the prior consent of the eligible student.

Whenever a student has enrolled in a postsecondary institution, regardless of age, the permission and consent required of and rights accorded to the parents of the student as to student records maintained by the postsecondary institution shall thereafter be required of and accorded to the eligible student only. However, if the student is not eighteen (18) years of age, then the permission and consent required of and rights as to the student's records maintained by FLVS shall be retained by the parents.

The custodian of the student record shall permit the eligible student or the parents or guardians of the student who is or has been in attendance in FLVS to inspect and review the education records of the eligible student or student. Provisions for such inspection and review shall be made within a reasonable period of time of the request, but in no case shall be more than thirty (30) days after the request has been made.

FLVS presumes that the eligible student or either parent of the student has the right to inspect, review, and receive copies of the education records of the student or eligible student unless the Board, its staff, or the individual school has been provided a legally binding instrument or court order governing such matters as divorce, separation, or custody which provides to the contrary.

In instances where records are opened to parents, guardians, or eligible students, schools shall make available a member of the professional staff to interpret the record and shall provide copies, upon request and payment of the current FLVS copy rate, which shall not exceed the maximum rate for copies of public records as set forth in F.S. Chapter 119.

The copy rate will include actual reproduction costs and will not include the labor costs for retrieval.

School officials shall provide requesting parents, guardians, or eligible students an opportunity for a hearing to challenge the content of their child's or the eligible student's school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Parents, guardians, and eligible students may waive their right of access to confidential letters or statements of recommendations or evaluation. Such waiver shall be made in writing to the custodian of the records and shall be signed by the parent, guardian, or eligible student. Such waiver shall apply to recommendations or evaluation only if:

- A. the parent, guardian, or eligible student is, upon request, notified of the names of all persons submitting confidential letters or statements; and
- B. such recommendations or evaluations are used solely for the purpose for which they were specifically intended.

The waiver of the right of access may be revoked in writing with respect to actions occurring after the revocation.

### **Court Request of Records**

- A. Student records may be disclosed to a court of competent jurisdiction provided that reasonable notification is given in advance to the parents and student. If the principal or his/her designee is unable to notify prior to the time for compliance set forth in the court order, s/he shall bring to the court's attention the provision of the Family Educational Rights and Privacy Act of 1974 and comply with the court's instruction.
- B. Student records may be disclosed pursuant to a lawfully issued subpoena, upon the condition that the student, or his/her parent if the student is either a minor and not attending an institution of postsecondary education or a dependent of such parent as defined in 26 U.S.C. 152 (s. 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

The CEO may, in writing, authorize access to student records to representatives of the Federal, State, or local educational authorities.

Transcripts of a student's records may be released without written consent from the students' parents, guardians, or eligible student, to any vocational-technical center, community college, or any postsecondary institutions of higher learning in which the student seeks or intends to enroll. A copy of the records may be released to the student's parents, guardians, or eligible student upon request. This policy is also applicable in instances where such a request is in connection with a student's application for, or receipt of, financial aid.

### **Hearing Procedure to Correct Student Records**

Whenever a parent, guardian, or eligible student believes the content of the student record is inaccurate, misleading, or in violation of their privacy, they may request in writing an informal meeting with the custodian of the record for the purpose of requesting the correction, deletion, or expunction of any inaccurate, misleading, or otherwise inappropriate data or material contained in the student record.

If the parties at the informal meeting agree to make deletions, to expunge material, or to add a statement of explanation or rebuttal to the file, such agreement shall be reduced to writing and signed by the parties, and the appropriate school officials shall take the necessary actions to implement the agreement. If an agreement is not reached, denial of the request and notification of the right to a formal hearing shall be made in writing to the parent, guardian, or eligible student with a copy to the CEO or designee.

Upon the request of a parent, guardian, or eligible student, a formal hearing shall be held. Such hearing shall be requested, in writing, within ten (10) days of the written notice of denial at the informal meeting, to the CEO or designee, who shall appoint a hearing officer who shall be any official of the school system with no direct interest in the outcome of the hearing. The hearing officer shall convene and conduct the hearing and shall render a decision in writing to all concerned parties within ten (10) days of the conclusion of the hearing. Such hearing shall be held within a reasonable period of time but in no case shall be held more than thirty (30) days from the date of the written request.

The parents, guardian, eligible student, and officials of the school shall be afforded a full and fair opportunity to present evidence relevant to the issues raised. The hearing shall be recorded and available to all parties. However, the record of such hearings are exempt from disclosure under F.S. Chapter 119.

If the decision of the hearing officer is that the records are not inaccurate, misleading, or otherwise in violation of privacy rights, the parent, guardian, or eligible student shall be allowed to comment in writing on the information in the education record and set forth any reasons for disagreeing with the decision. This written response shall be filed in the education records of the student.

### **Disclosure of Student Record Information**

Notwithstanding any other provision in this policy, student education records shall not be disclosed to any person, public body, body politic, political subdivision, or agency of the Federal government except when authorized by State or Federal law or in response to a lawfully issued subpoena or court order. In accordance with State law, student education records are exempt from the provisions of F.S. Chapter 119.

#### **A. Prior Written Consent**

1. Prior written consent of the parent, guardian, or eligible student shall be obtained prior to disclosing personally identifiable student information other than directory information. The written consent shall include: signature of the parent, guardian, or eligible student; date; specification of records or information to be disclosed; purpose of the disclosure; and the party or class of parties to whom a disclosure is to be made.
2. Disclosures of personally identifiable student information will be made only on the condition that the party or parties to whom the information is disclosed shall not disclose the information to any other party without prior written consent of the parent, guardian, or eligible student, as appropriate. Personally identifiable student information which is disclosed to an institution, agency, or organization may be used by its officers, employees, and agents, but only for the purpose for which the disclosure was made. FLVS presumes the parent, guardian, or eligible student has the authority to grant permission for disclosure of personally identifiable student information unless FLVS has been provided with evidence that there is a legally binding instrument or State law or court order governing such matters as divorce, separation, or custody which provides to the contrary.

#### **B. Without Prior Written Consent**

Personally identifiable information or records of a student may be released to the following persons or organizations without the prior written consent of the student or the student's parent or guardian:

1. Officials of schools, school systems, career centers, or public postsecondary educational institutions in which the student seeks or intends to enroll; and a copy of such records or reports shall be furnished to the parent or student upon request.
2. Other school officials, including teachers within the educational institution or agency, who have a legitimate educational interest in the information contained in the records.
3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or State or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable Federal statutes and regulations of the United States Department of Education, or in applicable State statutes and rules of the State Board of Education.

The disclosed records must be used to audit or evaluate a Federal or State supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (see Form 8330 F16)

This written agreement must include:

- a. designation of the receiving individual or entity as an authorized representative;
- b. specification of the information to be disclosed;
- c. specification that the purpose of the disclosure is to carry out an audit or evaluation of a government-supported educational program or to enforce or comply with the program's legal requirements;

- d. a summary of the activity that includes a description of the methodology and an explanation of why personally identifiable information is necessary to accomplish the activity;
- e. a statement requiring the organization to destroy all personally identifiable information when it is no longer needed to carry out the audit or evaluation, along with a specific time period in which the information must be destroyed; and
- f. a statement of policies and procedures that will protect personally identifiable information from further disclosure or unauthorized use.

Under the audit exception, FLVS will use "reasonable methods" to verify that the authorized representative complies with FERPA regulations. Specifically, FLVS will verify, to the greatest extent practicable, that the personally identifiable information is used only for the audit, evaluation, or enforcement of a government-supported educational program. FLVS will also ascertain the legitimacy of the audit or evaluation and will only disclose the specific records that the authorized representative needs. Further, FLVS will require the authorized representative to use the records only for the specified purpose and not to disclose the information any further, such as for another audit or evaluation. Finally, FLVS will verify that the information is destroyed when no longer needed for the audit, evaluation, or compliance activity.

- 4. Appropriate parties in connection with a student's application for or receipt of financial aid, if necessary to determine the eligibility for the aid; determine the amount of the aid; determine the conditions of the aid; and/or enforce the terms and conditions of the aid.
- 5. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if the studies are conducted in a manner that does not permit the personal identification of students and their parents by persons other than representatives of such organizations and if the information will be destroyed when no longer needed for the purpose of conducting such studies.

In order to release information under this provision, FLVS will enter into a written agreement with the recipient organization that specifies the purpose of the study. (see Form 8330 F14)

This written agreement must include: (1) specification of the purpose, scope, duration of the study, and the information to be disclosed; (2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; (3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and (4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

While the disclosure of personally identifiable information without consent is allowed under this exception, it is recommended that whenever possible the administration either release de-identified information or remove the students' names and social security identification numbers to reduce the risk of unauthorized disclosure of personally identifiable information.

- 6. Accrediting organizations, in order to carry out their accrediting functions.
- 7. School Readiness programs as provided in State law in order to carry out their assigned duties.
- 8. For use as evidence in student expulsion hearings conducted by a district school board under F.S. Chapter 120; however, public records of expulsion hearings shall not contain any personally identifiable information.
- 9. Appropriate parties in connection with an emergency if knowledge of the information in the student's educational records is necessary to protect the health or safety of the student or other individuals.
- 10. The Auditor General and the Office of Program Policy Analysis and Government Accountability in connection with their official functions; however, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General and the Office of Program Policy Analysis and Government Accountability is confidential and exempt from F.S. 119.07 (1) and shall be protected in a way that does not permit the personal identification of students and their parents by other than the Auditor General, the Office of Program Policy Analysis and Government Accountability, and their staff, and the personally identifiable data shall be destroyed when no longer needed for the Auditor General's and the Office of Program Policy Analysis and Government Accountability's official use.
- 11. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, upon the condition that the student and the student's parent are notified of the order or

subpoena in advance of compliance therewith by the educational institution or agency.

Student records may be disclosed pursuant to a lawfully issued subpoena, upon the condition that the student, or his/her parent if the student is either a minor and not attending a postsecondary educational institution or a dependent of such parent as defined in 26 U.S.C. 152 (section 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

12. Credit bureaus, in connection with an agreement for financial aid that the student has executed, if the information is disclosed only to the extent necessary to enforce the terms or conditions of the financial aid agreement. Credit bureaus shall not release any information obtained under this paragraph to any person.
13. Parties to an interagency agreement among the Department of Juvenile Justice, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and that support students in successfully completing their education. Information provided in furtherance of such interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of such programs and services, and as such is inadmissible in any court proceedings prior to a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.
14. Consistent with the Family Educational Rights and Privacy Act, the Department of Children and Families or a community-based care lead agency acting on behalf of the Department of Children and Families, as appropriate.
15. Parents of a dependent student as defined by the Internal Revenue Service Tax Code of 1986 and in this policy.
16. "Directory information" as specified in this policy.
17. If FLVS initiates legal action (a lawsuit) against a parent, or if the parent initiates legal action against FLVS. In such circumstances, FLVS may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for FLVS to proceed with legal action as the plaintiff or to defend itself.
18. If the release is to the Attorney General of the United States or to his/her designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes specified in Sections 2331 and 2332 of Title 18, U.S. Code.

Under this exception, school officials are not required to record (i.e., on an access log) the disclosure of information from a student's education record when the school makes pursuant to an ex parte order.

Further, an educational institution that, in good faith, produces information from education records in compliance with an ex parte order shall not be liable to any person for that disclosure.

19. If the release is otherwise permitted under Federal law.

#### C. Record of Disclosures

Record of any requests or disclosures of personally identifiable student information shall be maintained except for disclosures to the parent, guardian, or eligible student; disclosure of directory information; or to any other school officials with a legitimate educational interest. The record of requests for disclosure shall include the following: the parties who have requested or obtained personally identifiable student information, the legitimate interests of the persons requesting or obtaining the information, and date parental/eligible student consent was obtained.

With regard to such disclosures, a "school official" is determined to be any employee of FLVS with direct responsibility for providing services to students. A "legitimate educational interest" is determined to mean responsibility for providing direct educational services to students which will include teaching, counseling, psychological services, or other services to students which require access to personally identifiable information and/or those specified in the law.

#### D. Disclosures - Health or Safety Emergencies

Disclosure of personally identifiable student information may be made by school officials in the event of a health or safety emergency. Such emergency situations shall be declared in writing to the CEO by a recognized legal official with authority to declare such emergency. The declaration of a health or safety emergency shall include the need for specific personally

identifiable student information, the time requirements for the information, and the parties to whom the information is disclosed who are responsible for utilizing the information to deal with the emergency.

## **DIRECTORY INFORMATION**

FLVS will make available, upon request, certain information known as "directory information" without prior permission of the parents or the eligible student in accordance with State and Federal law. FLVS shall charge fees for copies of designated directory information as provided in State law. Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The Board designates as student "directory information": a student's name; photograph; address; telephone number, if it is a listed number; e-mail address; date and place of birth; participation in officially-recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; grade level; enrollment status; date of graduation or program completion; awards received; and most recent educational agency or institution attended.

An annual written notice shall be given to inform parents, guardians, and eligible students of their rights of access, waiver of access, challenge and hearing, privacy, categories of personally identifiable student information designated as directory information data, and the location and availability of FLVS's policy on education records of students. Alternate methods of notice shall be made for parents, guardians, or eligible students unable to comprehend a written notice in English. Parents or eligible students may, by providing a written statement to the principal within two (2) weeks of the first day of the school year or entry into the school system request that all specific portions of directory information for that specific student not be released.

Directory information shall not be provided to any organization for profit-making purposes, unless the request is approved, in a nondiscriminatory manner, by the CEO.

In accordance with Federal law, FLVS shall release the names and addresses of students in grades ten through twelve (10-12) to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. Such data shall not be released if the eligible student or student's parents submit a written request not to release such information. The recruiting officer is to sign a form indicating that "any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces". The CEO is authorized to charge mailing fees for providing this information to a recruiting officer. A secondary school student or parent of the student may request that the student's name, address, and telephone listing not be released without parental consent.

Whenever parental consent is required for the inspection and/or release of a student's health or educational records or for the release of "directory information", either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order. If the student is under the guardianship of an institution, the CEO shall appoint a person who has no conflicting interest to provide such written consent.

## **Transfer of Student Records**

When a student, previously enrolled in FLVS transfers out of FLVS to another school, public or private, within this State or out of State, the Principal, upon written request of the principal of the receiving school, the parent, guardian, or eligible student, shall, within three (3) school days, transfer a copy of the student's cumulative record containing Category A and B information to the requesting school. Pursuant to Federal law, disciplinary records with respect to suspension and expulsion shall be considered "other records of educational importance" and, as a Category B record, shall be transferred to the requesting school. The Board authorizes the administration to forward all Category A and B student records, including disciplinary records with respect to any current suspension and expulsion, upon request to a school or school district in which a student of FLVS is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record. The school shall retain a copy of the Category A information in its files. A copy of the Category B (Exceptional Student Education Audit File) records will also be retained. Category B health and testing information shall be retained if it is related to a weighted or categorical program placement which is subject to audit. The files which are retained will be held by the Principal who is the custodian of the records for the period of time specified in the Student Records Manual. Category A student records and Category B (Exceptional Student Education Audit File) beyond the specified time after the student leaves FLVS will be forwarded to Records Management. When a request comes to the school for student records after the files have been sent to Records Management, the written request should be forwarded to Records Management. Based upon reasonable requests, viewers of educational records will receive explanation and interpretation of the records. Records Management will make copies of the student's files at the current FLVS copy rate, which shall not exceed the maximum rate for copies of public records as set forth in F.S. Chapter 119.

If applicable, the records to be transferred shall also include:

- A. verified reports of serious or recurrent behavior patterns, including threat assessment evaluations and intervention services;
- and



- B. psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by School District or charter school staff, as appropriate.

The records shall be transferred within three (3) school days of receipt of a written request from the principal of the receiving school, the parent, guardian, or eligible student.

While all reasonable efforts shall be made to collect for damaged or lost library books or textbooks, under no conditions shall the transfer of a student's cumulative record be delayed or denied for failure to pay any fine or fee assessed by the school. Progress reports to parents (report cards) may not be withheld for failure to pay any fine, fee, or an assessment for lost or damaged books.

The CEO shall prepare administrative procedures to ensure that students and parents are adequately informed each year regarding their rights to:

- A. inspect and review the student's educational records;
- B. request amendments if the parent believes the record is inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- C. consent to disclosures of personally identifiable information contained in the student's educational records, except to those disclosures allowed by the law;
- D. challenge FLVS noncompliance with a parent's request to amend the records through a hearing;
- E. file a complaint with the Department of Education;
- F. obtain a copy of FLVS's policy and administrative procedures on student records.

The CEO shall also develop, and update as needed, procedures for:

- A. the proper storage and retention of records including a list of the type and location of record;
- B. informing FLVS employees of the Federal and State laws concerning student records.

FLVS is authorized to use the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of FLVS specifically as a consequence of permitting access or furnishing student records in accordance with this policy and procedures.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation, or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be re-disclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation, or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

### **Request for Student Social Security Numbers at Enrollment**

When a student enrolls in FLVS, FLVS shall request that the student provide his/her social security number and shall indicate whether the student identification number assigned to the student is his/her social security number. A student satisfies this requirement by presenting his/her social security card or a copy of the card to a school enrollment official. However, a student is not required to provide his/her social security number as a condition for enrollment or graduation.

© Neola 2019

Legal

F.S. Chapter 119

F.S. 1001.41

F.S. 1001.52

F.S. 1002.22

F.S. 1002.221

F.S. 1002.222

F.S. 1003.25

F.A.C. 6A-1.0955

20 U.S.C. 1232f (FERPA)

20 U.S.C. 1232g (FERPA)

20 U.S.C. 1232h (FERPA)

20 U.S.C. 1232i (FERPA)

20 U.S.C. 7908

26 U.S.C. 152

20 U.S.C. 1400 et seq., Individuals with Disabilities Act

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

No Child Left Behind Act of 2001 - P.L. 107-110

***Adopted: 06/22/2021***

***Amended: 06/22/2021***



# Public Records Policy

## 8310 - PUBLIC RECORDS

The Board of Trustees ("Board") recognizes its responsibility and obligations of Florida Virtual School ("FLVS") to maintain public records and to make such records available for inspection.

### Exemptions from Public Records

"Public records" generally means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made, or received pursuant to law or ordinance or in connection with the transaction of official business of FLVS. Due to the growing number of exemptions set forth in Florida law, it is impracticable for the School Board to provide an all-inclusive list of every document that may be exempt from the definition of "public records." However, "public records" do not typically include student records, medical records, documents containing genetic information, trial preparation records, and confidential law enforcement investigatory records, all of which are exempt from public disclosure. The determination of whether a particular document is exempt will be made upon receipt of a request for release of said document as a public record.

Personally identifiable information of a dependent child of a current or former officer or employee of FLVS, who is insured by a group insurance plan provided by FLVS, is also exempt from public records requirements as set forth in the State Constitution and State statutes. This exemption applies to all personally identifiable information held by FLVS.

Further, the home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers whose duties include hiring and firing employees, labor contract negotiations, administration, or other personnel-related duties, as well as the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel, and the names and locations of schools and day care facilities attended by the children of such personnel, are exempt from F.S. 119.07(1) and Section 24(a), Article 1 of the State Constitution.

The identity of a school or postsecondary educational institution, the personally identifiable information of FLVS personnel, or any specific allegations of misconduct obtained or reported pursuant to an investigation of a testing impropriety conducted by the Department of Education are confidential and exempt from the constitutional public records provisions until the conclusion of the investigation or until such time as the investigation ceases to be active.

Pursuant to State law, a complaint of misconduct against an FLVS employee, and all information obtained pursuant to an investigation by FLVS of the complaint of misconduct, are confidential and exempt from inspection or copying until the investigation ceases to be active, or until FLVS provides written notice to the employee who is the subject of the complaint, in the manner set forth below, that FLVS has either:

- A. concluded the investigation with a finding not to proceed with disciplinary action or file charges, or
- B. concluded the investigation with a finding to proceed with disciplinary action and/or to file charges. If the investigation results in such a finding, FLVS shall also file a legally sufficient complaint regarding the misconduct as required by State law.

Any material that is derogatory to an employee shall not be open to inspection for an additional ten (10) days after the employee has been notified either:

- A. by certified mail, return receipt requested, to his/her address of record; or

B. by personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

### **Access to Public Records**

Pursuant to State law, the CEO shall appoint a Records Management Liaison Officer ("RMLO"), who shall serve as the primary point of contact between FLVS and the Division of Library and Information Services of the Florida Department of State, which is the agency responsible for the State's records management program. The CEO shall also appoint a "Custodian of Records" for FLVS who shall be responsible for implementing the requirements in State law and the State's records management program regarding the public records maintained by FLVS.

Any individual may inspect and request copies of public records of FLVS during the regular business hours of the office in which such records are maintained. FLVS may not require requests for public records to be in writing, nor may the person requesting the information be required to disclose the name, address, or phone number unless specifically required to do so by law. The Custodian of Records is authorized to grant or refuse access to the records of FLVS in accordance with the intent of this policy and applicable law.

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under the supervision of the custodian of public records.

An FLVS employee who has custody of public records may designate another FLVS employee to permit the inspection and copying of public records but must disclose the identity of the designee to the person requesting to inspect or copy the public records.

No record in a personnel file which is confidential and exempt from inspection and copying pursuant to applicable law shall be disclosed except as provided by applicable law.

A custodian of public records and/or his/her designee must promptly acknowledge, in writing, requests to inspect or copy records promptly and respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other officers or employees of FLVS whether such a record exists, and, if so, the location at which the record can be accessed. Upon determination that the requested record exists, it must be reviewed to determine whether it contains any information that would be statutorily exempt from public inspection or copying as provided by law.

Duplicated copies or certified copies of FLVS's public records shall be provided upon payment of the appropriate fee set forth in the Florida statutes. If the nature or volume of the public records requested will require extensive use of information technology resources or more than fifteen (15) minutes of clerical or supervisory assistance by FLVS personnel, a special service charge attributable to the extensive use of the information technology resources and/or the labor cost of the personnel providing the service will be collected as permitted by State law.

In addition, the actual cost of duplication will be collected for copies of the FLVS's public records in a form other than a duplicated copy. The special service charge will also be collected if the requested copies of the public records in a form other than duplicated copy will require extensive use of information technology resources or more than fifteen (15) minutes of clerical or supervisory assistance by FLVS personnel as permitted by State law.

If the request for copies of a public record in any form could result in the collection of a special service charge, an estimate of the fee that will be due and payable shall be provided to the requestor. The duplication of the requested records will commence upon payment of the estimated fee by the requestor.

No public record may be removed from the office in which it is maintained, except by a Board employee in the course of the performance of his/her duties.

All FLVS records will be maintained in accordance with general records schedules GS1-SL and GS7, as established by the Department of State.

© Neola 2013

Legal

F.S. Chapter 119

F.S. 119.071(2)(k)

F.S. 257.36(5)(a)

F.S. 286.011

F.S. 1002.221

F.S. 1003.25(1)

20 U.S.C. 1232g

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

29 C.F.R. Part 1635

Article I, Section 24, State Constitution

F.A.C. 1B-24.001

F.A.C. 1B-24.003

F.A.C. 1B-26.0021

F.A.C. 1B-26.003

*Adopted: 06/22/2021*

*Amended: 06/22/2021*

# Records Management Policy



## 8320 - RECORDS MANAGEMENT

The President and Chief Executive Officer ("CEO") of Florida Virtual School ("FLVS") is the principal officer charged with the responsibility of maintaining all public, official, and education records of FLVS. The Board of Trustees ("Board") authorizes the CEO to designate FLVS personnel to accomplish such responsibilities and obligations in accordance with Florida law and Board Policies.

### **The Bureau of Archives and Records Management**

The Florida Bureau of Archives and Records Management establishes standards for controlling, retaining, destroying, and preserving public records. The CEO shall see to it that such standards are maintained and satisfied by FLVS.

### **Records Management Responsibilities**

Records are to be maintained by the organizational department that houses the repository for their unique records. Upon request by the Records Management Department, the organizational departments will provide any/all records to satisfy a Public Request for Records or a Subpoena as deemed necessary by Records Management Department.

The CEO has the responsibility to comply with State statutes and designate a Records Management Liaison Officer (RMLO) for FLVS. The Records Management Liaison Officer functions as the primary point of contact between FLVS and the Bureau of Archives and Records Management.

### **Records Retention Schedule**

FLVS is required by law to submit a request for records retention to the Bureau of Archives and Records Management for all record series being used by FLVS. Each records retention schedule is analyzed by the Bureau to determine the document value and thus establish a period of time for which the documents are to be retained. In addition, the records retention schedule is reviewed to determine whether the records merit further retention by the State in the Florida State Archives. Once approved by the Bureau, the records retention schedule becomes the submitting FLVS official retention schedule for the record. The Records Management Liaison Officer has the responsibility of maintaining existing records retention schedules and submitting new and updated requests to the Bureau.

© Neola 2010

Legal  
F.S. 119.011  
F.S. 1002.22  
*Adopted: 06/22/2021*  
*Amended: 06/22/2021*

# LEAVES OF ABSENCE



### 1430 - LEAVES OF ABSENCE

A leave of absence is permission granted or allowed by the Board under its adopted policies for an employee to be absent from duty for a specified period of time with the right to return to employment upon the expiration of the leave.

Employees shall not be absent from their assigned duties except as authorized by the President and Chief Executive Officer ("CEO") or the employee's supervisor. An employee who is willfully absent from duty without authorization or without leave shall forfeit compensation for the time of such absence. Contracts or appointments shall be subject to cancellation by the Board and the employee shall be subject to immediate dismissal.

Leave shall be used for the purposes set forth in the leave application. An employee who uses leave for purposes other than that set forth in the leave application may be subject to discipline, up to and including termination.

Leave may be with or without pay as provided by law, regulations of the State Board, and this policy. For any absence that is without pay, the deduction in compensation for each day of absence shall be determined by dividing the annual salary by the number of days/hours for the employment period.

- A. Paid leaves of absence may include annual leave, sick leave, personal charged to sick, jury/witness duty, illness- or injury-in-line-of-duty, and military.
- B. Unpaid leaves of absence may include professional, personal leave not paid, family and medical leave, and maternity/paternity leave.

#### **Approval of Leaves**

All requests for leave shall be submitted on the proper form to the employee's supervisor. Except in cases of emergency, a request for leave should be filed at least ten (10) days before the date on which the proposed leave is to become effective.

The approval or denial of requests for leave will be based on the requirements of efficient operation of FLVS.

Except in the case of sick leave or emergency, leave requests shall be approved or denied before the effective date of the leave.



- A. The CEO or his/her designee is authorized to grant the following types of leave for employees:
1. Accrued sick leave.
  2. Illness- or injury-in-line-of-duty leave, and personal charged to sick leave.
  3. Military leave.
  4. Accrued annual leave.
  5. Jury/witness duty leave.
  6. Domestic violence leave.
  7. Bereavement leave.
  8. Such other leave as set forth in Board policies.
- B. The CEO or his/her designee is authorized to approve Family and Medical Act (FMLA) Leave under Board Policies.
- C. All other requests for leave require a recommendation by the CEO and approval of the Board.
- D. All employees are expected to report to work on time. An employee who is absent from duty or tardy for any reason shall notify their immediate supervisor in person, via phone, or via e-mail as early as possible. If an employee has repeated unauthorized absence(s) or tardiness, then disciplinary action may result up to and including termination. Unexcused absences of three consecutive workdays without notice to the supervisor will be considered job abandonment which is considered a voluntary resignation.

© Neola 2014

Legal	F.S. 1002.37
	F.S. 1012.22
	F.S. 1012.61
	F.S. 1012.63
	F.S. 1012.64
	F.S. 1012.66
	F.S. 1012.67
	F.A.C. 6A-1.080, Maximum Extent of Leave
	<i>Adopted: 09/14/2021</i>

# MILITARY LEAVE



### 1430.07 - **MILITARY LEAVE**

The Board supports individuals willing to serve in the armed forces of the United States or the State of Florida to protect our country and State. In accordance with State and Federal laws, employees who must be absent from work for active military service are entitled to take a military leave of absence in accordance with this policy.

Employees called to duty are required to notify the Payroll Department and the employee's supervisor immediately unless notice is impossible or prevented by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable.

An employee who is ordered to appear for an examination for entrance into the military service shall be granted leave with pay on day one of the examination. Appropriate documentation shall be given to the employee's immediate supervisor and to the Payroll Department.

If an employee has accrued and unused annual leave, it may be granted prior to the leave of absence as FLVS service requirements permit, or the employee may choose to work until the leave begins. An employee may elect to defer annual leave until his/her return from active duty, and then schedule leave as FLVS service requirements permit.

Employees on inactive duty training are not eligible for military leave and may use unpaid time or paid time off if available at their choice. If employee chooses paid time off they may enter directly into the FLVS Workday system. If employee chooses to use unpaid time employee should present to the Payroll Department a copy of training schedule and appropriate documentation confirming "inactive duty pay," so the Payroll Department may make the entry.

#### **Reserve or Guard Training**

Employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard are entitled to leaves of absence from their respective duties, without loss of vacation leave, pay, time, or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations for such personnel when assigned to active or inactive duty.

Compensation allowed for military leave to participate in required training exercises shall not exceed 240 hours in any one (1) annual period as provided in section 115.07, Florida Statutes. Such leave is not charged as vacation. It shall be established that the period selected is not at the convenience of the employee but a military necessity if it falls within the school year. Upon the recommendation of the President and Chief Executive Officer (CEO), leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay and may be granted by the

Board and when so granted shall be without loss of time or efficiency rating. FLVS will pay employee's regular base pay less their military service base pay for the training period.

When an employee's assigned employment duty conflicts with ordered active or inactive duty training, it is the responsibility of the Board to provide a substitute employee, if necessary, for the assumption of such employment duty while the employee is on assignment for the training.

### **Active Military Service**

Employees who are service members on active military duty, or service members of the National Guard or a reserve component of the Armed Forces of the United States shall be granted leave to perform active military service. The first thirty (30) days for any such leave an employee will be paid the rate that is the difference between the employee's base pay rate and their documented base rate for military service.

Leave of absence for longer periods of time for assignment to duty functions of a military character shall be without pay. Employees on military leave may substitute accrued annual leave for unpaid leave.

### **Re-Employment**

Re-employment of all employees granted military leave shall be governed in accordance with 38 U.S.C. 4312. An employee who is granted military leave for active duty shall, upon the completion of the tour of duty, be returned to employment without prejudice, provided that the employee gives notice and files an application for re-employment within the time limitations contained in 38 U.S.C. 4312. The employee will be returned to duty in the same or a similar position as previously held in accordance with 38 U.S.C. 4312.

Upon return, the employee must provide proof of service and military base pay to the FLVS Payroll Department.

### **Benefits During Military Leave**

The Board shall continue to provide all health insurance and other existing benefits to employees as required by the Uniformed Services Employment and Reemployment Rights Act, Chapter 43 of Title 38 U.S.C.

### **Voluntary Service**

When an employee enters voluntarily into any branch of the armed forces for temporary or an extended period of service, military leave shall be granted at the Board's discretion. An employee whose absence will interfere with the orderly operation of the FLVS program shall be denied military leave, except in unusual cases. However, in all instances, the employee shall be entitled to all rights provided by state and federal law.

### **© Neola 2014**

Legal  
F.S. 115.07  
F.S. 115.09  
F.S. 115.14  
F.S. 121.111  
F.S. 250.341  
F.S. 1002.37  
F.S. 1012.23  
F.S. 1012.66  
38 U.S.C. 2021 et seq.  
38 U.S.C. 4312  
38 U.S.C. 4323

*Adopted: 09/14/2021*

# JURY/WITNESS DUTY LEAVE



## 1430.09 - **JURY/WITNESS DUTY LEAVE**

### **Jury Duty Leave**

An employee summoned to serve on a jury shall be granted temporary leave with pay for all hours required for the duty up to the employee's normal workday hours. However, if jury duty does not require absence for the entire workday, the employee is expected to return to work immediately upon release by the court.

Any jury fees may be retained by the employee.

The Board shall not reimburse the employee for meals, lodging, and travel expenses incurred while serving as a juror.

### **Witness Duty Leave**

When an employee is subpoenaed as a witness unrelated to any FLVS proceeding, the employee may be granted temporary leave with pay for all hours required for the duty, up to the employee's normal workday hours, provided the subpoena is not related to personal litigation in which the employee is a party. The Board shall not reimburse employees for meals, lodging, and travel expenses incurred while serving as a witness.

When an employee is subpoenaed or called as a witness by the Board or opposing counsel for any FLVS matter at a deposition, hearing, trial or other civil proceeding, the employee may be granted temporary leave with pay for all hours required for the duty. In the event no fees are received from the court, the employee may be paid per diem and for travel expenses pursuant to FLVS policies.

Any witness fees may be retained by the employee.

### **Personal Litigation**

In no case shall leave with pay be granted for court attendance when an employee is engaged in his/her own personal litigation. In such cases, the employee may request vacation or personal leave.

© **Neola 2014**

Legal

F.S. 1002.37

F.S. 1012.23

F.S. 1012.66

*Adopted: 09/14/2021*

# BEREAVEMENT LEAVE



#### 1430.10 – BEREAVEMENT LEAVE

FLVS recognizes that a time of bereavement is difficult for an employee. Therefore, every effort shall be made to provide that the employee has time away from work to attend to family matters.

Up to two (2) business days of Bereavement Leave may be granted for absence due to a death in an employee's immediate family. Other paid leave may be used to extend the time of bereavement. The duration of such absence may depend on such factors as distance to be traveled and the degree of personal responsibility.

The extension of time for such absences beyond Bereavement Leave is a matter of supervisory discretion and the employee's accrued paid time off balance will be utilized if available.

The intent of the Bereavement Leave benefit is to provide assistance to employees when an employee is unable to perform job duties due to the death of a member of the immediate family. For the purpose of this policy, the term "immediate family" shall be defined as:

- A. Spouse, parent, step-parent, parent-in-law, child, step-child, daughter-in-law, son-in-law, brother, sister, grandparent, or grandchild, or
- B. Any relative or dependent who resides within the employee's household.

© **FLVS 2021**

Legal

F.S. 1002.37  
F.S. 1012.66

*Adopted: 09/14/2021*



# SALARY AND PAYROLL DEDUCTIONS



## 6520 - SALARY AND PAYROLL DEDUCTIONS

### Salary

FLVS provides a compensation plan that is intended to be competitive in attracting, retaining, and motivating employees. The plan is developed based on a schedule of salary ranges for all job classifications. The President and Chief Executive Officer ("CEO") may authorize a review of the compensation plan, as needed.

### Salary Supplements

For purposes of this policy, the term "supplement" means an annual addition to the base salary for the term of the supplement as long as the employee continues his or her employment for the purpose of the supplement. A supplement does not become part of the employee's continuing base salary but shall be considered compensation under F.S. 121.021(22).

The CEO is authorized to pay a salary supplement to employees who perform certain work that is in addition to the employee's normal job functions. The supplement may not exceed \$20,000 per year in the case of a twelve (12) month contract employee, and \$16,700 per year in the case of a ten (10) month contract employee.

The following eligibility guidelines apply:

- A. Employee must be employed in a full-time position.
- B. Employee must have received an overall "Effective" or better on his/her last performance evaluation.
- C. The department in which the employee is expected to perform the supplement work must have funding available in its current budget for a salary supplement to be approved.

### Payroll Deductions

FLVS shall make all legally required payroll deductions and such deductions do not require Board approval.

To the extent permitted by law, and consistent with these policies, voluntary payroll deductions may be approved by the Board and authorized, upon written request by the employee.

© Neola 2004  
© FLVS 2021

Legal

F.S. 1002.37

F.S. 1012.31

*Adopted: 09/14/2021*

# FAIR LABOR STANDARDS ACT (FLSA)



## 6700 - FAIR LABOR STANDARDS ACT (FLSA)

It is the policy of FLVS to comply with all applicable provisions of the Fair Labor Standards Act (FLSA) and its implementing regulations. FLVS shall pay at least the minimum wage required by FLSA and Florida law.

Non-exempt employees are hourly employees or salaried employees who do not qualify for any exemption under the FLSA.

Definitions:

- A. For purposes of this policy, exempt employees are individuals who are exempt from the FLSA minimum wage and overtime provisions. These employees include, but are not limited to, persons employed in bona fide executive, administrative, and professional positions and certain computer employees.
- B. For purposes of this policy, non-exempt employees are individuals who are not exempt from the FLSA minimum wage and overtime provisions.

Non-exempt employees who work more than forty (40) hours during a given work week will receive overtime pay in accordance with the FLSA for all hours worked in excess of forty (40). Work week is defined as the seven (7) day period of time beginning on Sunday at 12:00 a.m. and continuing to the following Saturday at 11:59 p.m. Paid leave, such as sick or annual pay, does not count toward time worked.

The CEO shall determine the necessity and availability of overtime work. Overtime may be authorized only in advance by a supervisor and will be used primarily to address circumstances of an emergency or temporary nature. Non-exempt employees who work overtime without prior approval from the supervisor may be subject to disciplinary action up to and including termination.

Non-exempt employees must accurately record all hours worked. If an employee believes that there is an error for his/her paycheck with regard to the calculation of overtime, the employee should contact his/her supervisor immediately. If the error is not promptly corrected, the employee should contact Human Resources.

### **Salary Deductions**

Deductions may be made to an otherwise exempt employee's salary in certain circumstances without jeopardizing such employee's exempt status. Deductions may occur under the following circumstances:

- A. the employee is absent from work for one (1) or more full days for personal reasons other than sickness or disability.
- B. the employee is absent from work for one (1) or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness.
- C. to offset amounts employees receive as jury or witness fees, or for military pay.
- D. for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for workplace conduct rule infractions.
- E. for penalties imposed in good faith for infractions of safety rules of major significance.

In addition to the foregoing, exempt employees who accrue annual leave and sick leave may have their pay reduced or may be placed on unpaid leave for absences of less than one (1) full day with regard to partial Family Medical Leave Act leave (FMLA) or Worker’s Compensation claim when leave is not used by the employee because the employee’s accrued leave has been exhausted.

Deductions from the pay for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

The Board shall also not be required to pay the full salary in the initial or terminal week of employment if the employee does not work the entire week, or for weeks in which an exempt employee takes unpaid leave under the FMLA.

The Board recognizes that with limited legally permissible exceptions as described above, no deductions should be taken from the salaries of exempt employees. If an exempt employee believes that an improper deduction has been made to his/her salary, the employee should immediately report this information to his/her supervisor immediately. If the error is not promptly corrected, the employee should contact Human Resources. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made, and the Board will make a good faith commitment to avoid any recurrence of the error.

This policy shall be distributed to employees upon initial hire, and to all employees on an annual basis.

Information regarding the FLSA may be found on the U.S. Department of Labor's website ([www.dol.gov](http://www.dol.gov)).

This policy is intended to comply with and explain the employees’ rights under the FLSA. To the extent there is any conflict or the policy exceeds the statutory requirements, the statute and its implementing regulations prevail.

© Neola 2016

Legal

F.S. 448.110  
 F.S. 1002.37  
 Section 24, Article X of the Florida Constitution  
 29 U.S.C. 201 et seq.  
 29 C.F.R. Part 541

*Adopted: 09/14/2021*

**PO1430.01 – FMLA LEAVE..... 175**

**PO1430.02 – DOMESTIC VIOLENCE LEAVE..... 176**

**PO1430.03 – SICK LEAVE..... 177**

**PO1430.06 – ANNUAL LEAVE..... 178**

**PO1430.11 – OTHER LEAVE OF ABSENCE. .... 179**

**PO5350 – STUDENT SUICIDE PREVENTION, AWARENESS & SCREENING..... 180**

**PO5511 – DRESS AND GROOMING..... 181**

**PO5513 – CARE OF SCHOOL PROPERTY..... 182**

**PO5516 – STUDENT HAZING..... 184**

**PO5517.01 – BULLYING AND HARASSMENT..... 185**

**PO5517.03 – DATING VIOLENCE AND ABUSE..... 194**

**PO5520 – DISORDER AND DEMONSTRATION..... 197**

**PO5531 – STUDENT ASSISTANCE PROGRAMS..... 198**

**PO5600 – STUDENT DISCIPLINE..... 203**

**PO5605 – SUSPENSION/EXPULSION OF DISABLED STUDENTS..... 213**

**PO5610 – REMOVAL, OUT-OF-SCHOOL SUSPENSION, DISCIPLINARY PLACEMENT, & EXPULSION OF STUDENTS..... 216**

**PO5611 – DUE PROCESS RIGHTS..... 224**

**PO5771 – SEARCH AND SEIZURE..... 226**

**PO5772 – WEAPONS..... 228**



Book	Clean
Section	1000 Administration
Title	FMLA LEAVE
Code	po1430.01
Status	From Neola

#### 1430.01 - FMLA LEAVE

##### **Qualifying Reasons for FMLA and Military Family Leave**

In accordance with the Family and Medical Leave Act of 1993, as amended, (FMLA), eligible employees may take up to twelve (12) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the employee has earned or accrued it, for the following reasons:

- A. the birth and/or care of a newborn child of the employee, within one (1) year of the child's birth;
- B. the placement with the employee of a child for adoption or foster care, within one (1) year of the child's arrival;
- C. the employee is needed to provide physical and/or psychological care for a spouse, child, or parent with a serious health condition;
- D. the employee's own serious health condition makes him/her unable to perform the functions of his/her position; or
- E. any qualifying exigency (as defined in applicable Federal regulations) arising out of the fact that the employee's spouse, son, daughter, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces (Qualifying Exigency Leave). Covered active duty means duty during deployment with the Armed Forces to a foreign country.

In addition, an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member may take up to a total of twenty-six (26) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the employee has earned or accrued it, during a single twelve (12) month period to provide physical and/or psychological care for the covered service member (Military Caregiver Leave). A covered service member is defined as (1) a member



of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. In the case of a veteran, the injury or illness could have manifested itself before or after the member became a veteran. The single twelve (12) month period for leave to care for a covered service member with a serious injury or illness begins the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established below for general FMLA leave. During the single twelve (12) month period, an eligible employee is limited to a combined total of twenty-six (26) work weeks of unpaid leave for any FMLA-qualifying reason. (Only twelve (12) of the twenty-six (26) work weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

### **Eligible Employees**

Employees are eligible if they have worked for FLVS for at least twelve (12) months and for at least 1,250 hours over the twelve (12) months prior to the leave request. Months and hours that members of the National Guard or Reserve would have worked if they had not been called up for military service counts towards the employee's eligibility for FMLA leave. While the twelve (12) months of employment need not be consecutive, employment periods prior to a break in service of seven (7) years or more will not be counted unless the break is occasioned by the employee's fulfillment of his/her National Guard or Reserve military obligation, or a written agreement exists concerning FLVS's intention to rehire the employee after the break in service.

The employee does not have to request the leave for it to be considered as FMLA. If the employee's condition or family situation meets the qualifications of a serious health condition or family situation as defined under FMLA, the period of absence will be designated as FMLA as determined by the Benefits Department based on the information received. This is to include any Worker's Compensation injuries that are expected to last in excess of three (3) days.

If an employee is currently on FMLA with another employer, s/he must inform the Benefits department. The employee will not be permitted to start or resume work at FLVS while on an active FMLA, and/or without a medical release to return to work.

### **Twelve (12) Month Period**

Twelve (12) month period is defined as a rolling twelve (12) month period measured backward from the date the employee uses FMLA leave (i.e., the leave year is specific to each individual employee).

### **Serious Health Condition**

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. As utilized in this policy, the term incapacity means an inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom. The term treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. (Treatment does not include routine physical examinations, eye examinations, or dental examinations.)

A. Inpatient care means an overnight stay in a hospital, hospice, or residential medical-care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.

B. Continuing treatment by a healthcare provider, includes any one or more of the following: 1.) incapacity and treatment; 2.) any incapacity experienced by an expectant mother related to pregnancy, or for prenatal care; 3.) any incapacity or treatment for such incapacity due to a chronic serious health condition; 4.) a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal stages of a disease); or 5.) any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider for a.) restorative surgery after an accident, or b.) other injury or a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

1. Incapacity and treatment involves a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves a.) treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider, or b.) treatment by a health care provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of a health care provider.

a. Treatment by a health care provider as referenced above involves an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. The health care provider is responsible for determining whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period.

b. Regimen of continuing treatment includes a course of prescription medication (e.g. antibiotics), or therapy requiring special equipment to resolve or alleviate the health condition (e.g. oxygen).

c. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient

to constitute a regimen of continuing treatment for purposes of FMLA leave.

2. An expectant mother is entitled to FMLA leave for incapacity due to pregnancy even if she does not receive treatment from a health care provider during the absence, and even if the absence does not last for more than three (3) consecutive, full calendar days.

3. A chronic serious health condition is one that: a.) requires periodic visits (i.e., at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; b.) continues over an extended period of time (including recurring episodes of a single underlying condition); and c.) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). A visit to a health care provider is not necessary for each absence, and each absence need not last more than three (3) consecutive, full calendar days.

4. With regard to permanent or long-term conditions, the employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

C. Conditions for which cosmetic treatment are administered (e.g., most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

### **Intermittent and Reduced Schedule Leave**

The President and Chief Executive Officer or designee (CEO), may allow an employee to take FMLA leave intermittently (i.e., leave in separate blocks of time for a single qualifying reason) or on a reduced leave schedule (i.e., reducing the employee's usual weekly or daily work schedule) for Qualifying Reasons (A) or (B). An employee is entitled to take FMLA leave on an intermittent or reduced schedule leave when medically necessary as indicated in Qualifying Reasons (C) and (D). An employee may also take FMLA leave on an intermittent or reduced-leave schedule for Qualifying Exigency Leave (i.e., Qualifying Reason (E)). Finally, Military Caregiver Leave may be taken on an intermittent or reduced schedule leave when medically necessary. Regardless, the taking of FMLA leave intermittently or on a reduced schedule leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken. If the intermittent or reduced schedule leave is foreseeable based on planned medical treatment for the employee, a family member, or a covered service member, the CEO may require the employee to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than the employee's regular position. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. The CEO may also transfer the employee to a part-time job with the same hourly rate of pay and benefits, provided the employee is not required to take more leave than is medically necessary. Administrative employees (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced schedule leave because of Qualifying Reasons (C) or (D) or pursuant to Military

Caregiver Leave and the leave would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the CEO for which the administrative employee is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the employee's regular position.

When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt FLVS's operations, subject to the approval of the health care provider.

If the CEO agrees to permit FMLA leave intermittently or on a reduced schedule leave for Qualifying Reasons (A) or (B), FLVS may also require the employee to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position.

**Employee Notice Requirements** (Forms available at the U.S. Department of Labor Website: [www.dol.gov](http://www.dol.gov))

Employees seeking to use FMLA leave (including Military Caregiver Leave) are required to provide thirty (30) day's advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the employee must provide notice as soon as practicable - generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with FLVS's usual and customary notice and procedural requirements for requesting leave. Failure to provide timely notice may result in the leave being delayed or denied, and/or possible disciplinary action.

Employees must provide sufficient information for the CEO to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, that the employee or his/her qualifying family member is under the continuing care of a health care provider, that the requested leave is for a particular qualifying exigency related to a qualifying family member's covered active duty or call to covered active duty status, or that the leave due to a qualifying family member who is a covered service member with a serious injury or illness. The information may also include the anticipated timing and duration of the leave.

When an employee seeks leave for a FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which FLVS has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

### **Substitution of Paid Leave**

FLVS shall require the employee to substitute (i.e., run concurrently) any of his/her earned or accrued paid leave (e.g., sick leave or annual leave) for unpaid FMLA leave.

If the employee has not earned or accrued adequate paid leave to encompass the entire twelve (12) work week period of FMLA leave or twenty-six (26) work week period of Military Caregiver Leave, the additional weeks of leave to obtain the twelve (12) work weeks of FMLA leave or twenty-six (26) work weeks of Military Caregiver Leave the employee is entitled to shall be unpaid.

**FLVS Notice Requirements** (Forms available at the U.S. Department of Labor Website: [www.dol.gov](http://www.dol.gov))

The CEO is directed to post the Department of Labor approved Notice explaining employees' rights and responsibilities under the FMLA. The notice must be posted prominently where it can be readily seen by employees and applicants and shall either be distributed to each new employee upon hiring or be included in employee handbooks or other written guidance concerning benefits or leave rights. Electronic posting is sufficient to meet these requirements.

When an employee requests FMLA leave or FLVS acquires knowledge that leave may be for a FMLA purpose, the CEO shall notify the employee of his/her eligibility to take leave, and inform the employee of his/her rights and responsibilities under the FMLA (including the consequences of failing to meet those obligations). Along with the Notice of Rights and Responsibilities, the CEO will attach any medical certification that may be required, and a copy of the employee's essential job functions. If the CEO determines the employee is not eligible for FMLA leave, the CEO must state at least one (1) reason why the employee is not eligible. Such notice may be given orally or in writing and should be given within five (5) business days of the request for FMLA leave, absent extenuating circumstances. When oral notice is given, it must be followed by written notice within five (5) business days. Employee eligibility is determined (and notice provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable twelve (12) month period. All FMLA absences for the same qualifying reason are considered a single leave and employee eligibility as to that reason for leave does not change during the applicable twelve (12) month period. If at the time an employee provides notice of a subsequent need for FMLA leave during the applicable twelve (12) month period due to a different FMLA-qualifying reason and the employee's eligibility status has not changed, no additional eligibility notice is required. If, however, the employee's eligibility status has changed, the CEO must notify the employee of the change in eligibility status within five (5) business days, absent extenuating circumstances.

If the specific information provided by the Notice of Rights and Responsibilities changes, the CEO shall, within five (5) business days of receipt of the employee's first notice of need for leave subsequent to any changes, provide written notice referencing the prior notice and setting forth any of the information in the Notice of Rights and Responsibilities that has changed.

When the CEO has sufficient information to determine that leave is being taken for a FMLA-qualifying reason (e.g. after receiving certification), the CEO shall notify the employee whether the leave will be designated and counted as FMLA leave. Leave that qualifies as both Military Caregiver Leave and leave to care for a qualifying family member with a serious health condition (i.e., Qualifying Reason (C)) must be considered as Military Caregiver Leave in the first instance. This designation must be in writing and must be given within five (5) business days of the determination, absent extenuating circumstances. Additionally, when appropriate, the CEO shall notify the employee of the number of hours, days and weeks that will be counted against the



employee's FMLA entitlement, and whether the employee will be required to provide a fitness-for-duty certification to return to work.

Only one Designation Notice is required for each FMLA-qualifying reason per applicable twelve (12) month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or as intermittent or on a reduced schedule leave. If the CEO determines the leave will not be designated as FMLA-qualifying (e.g. if the leave is not for a reason covered by the FMLA or the employee's FMLA leave entitlement has been exhausted), the CEO shall notify the employee of that determination. If the employee is required to substitute paid leave for unpaid FMLA leave, or if paid leave taken under an existing leave plan is being counted as FMLA leave, the Designation Notice shall include this information. Additionally, the Designation Notice shall notify the employee if s/he is required to present a fitness-for-duty certification to be restored to employment. Further, if the fitness-for-duty certification is required to address the employee's ability to perform the essential functions of his/her job, that will be indicated on the Designation Notice, and a list of the essential functions of the employee's position will be included.

If the information provided to the employee in the Designation Notice changes, the CEO shall provide, within five (5) business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

In the case of intermittent or reduced-leave schedule leave, only one such notice is required unless the circumstances regarding the leave have changed.

### **Limits on FMLA When Both Spouses are Employed by FLVS**

When eligible spouses are both employed by FLVS, they are limited to a combined total of twelve (12) workweeks of FMLA leave during any twelve (12) month period if the leave is taken for Qualifying Reasons (A) or (B), or to care for the employee's parent who has a serious health condition.

Where the spouses both use a portion of the total twelve (12) week FMLA leave entitlement for Qualifying Reasons (A) or (B), or to care for a parent, the spouses are each entitled to the difference between the amount s/he has taken individually and the twelve (12) weeks of FMLA leave for other purposes.

When eligible spouses are both employed by FLVS, they are limited to a combined total of twenty-six (26) workweeks of Military Caregiver Leave during the single twelve (12) month period if the leave is taken for Qualifying Reasons (A) or (B), or to care for the employee's parent who has a serious health condition, or to care for a covered service member with a serious injury or illness.

### **Certification**

When FMLA leave is taken for either Qualifying Reasons (C) or (D), the employee must provide medical certification from the health care provider of the eligible employee or his/her immediate family member. The employee may either:

- A. submit the completed medical certification to the CEO; or
- B. direct the health care provider to transfer the completed medical certification directly to the CEO, which will generally require the employee to furnish the health care provider with a HIPAA-compliant authorization.

If the employee fails to provide appropriate medical certification, any leave taken by the employee shall not constitute FMLA leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the employee must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the CEO within fifteen (15) calendar days after the employee requests FMLA leave unless it is not practicable under the circumstances to do so despite the employee's diligent and good faith efforts. Failure to adhere to the specified time requirements may result in delay in approval or forfeiture of the benefit.

FLVS reserves the right to require second or third opinions (at FLVS's expense), and periodic recertification of a serious health condition. If a third opinion is sought, that opinion shall be binding and final. The employee may either:

- A. submit the opinion of the second health care provider, and the opinion of the third health care provider if applicable, to the CEO; or
- B. direct the second or third health care provider to transfer his/her opinion directly to the CEO, which will generally require the employee to furnish the health care provider with a HIPAA-compliant authorization.

In the event that the employee fails to provide the medical opinion of the second or third health care provider, if applicable, any leave taken by the employee shall not constitute FMLA leave.

### **Recertification**

Recertification may be required no more often than every thirty (30) days in connection with an absence by the employee unless the condition will last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, FLVS will not request recertification until the specified period has passed, except that in all cases the employee must submit recertification every six (6) months in connection with an absence by the employee. Additionally, the CEO may require an employee to provide recertification in less than thirty (30) days if the employee requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if FLVS receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification. Finally, employees must provide a new medical certification each leave year for medical conditions that last longer than one (1) year.

Employees requesting Qualifying Exigency Leave are required to submit to the CEO a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.

Employees requesting Military Caregiver Leave are required to submit to the CEO certification completed by an authorized health care provider or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

FLVS authorizes the FLVS Benefits department – but not the employee's direct supervisor – to authenticate or clarify a medical certification of a serious health condition, or an ITO or ITA (i.e.

medical certification provided for Qualifying Reasons (C) or (D) or Military Caregiver Leave). Additionally, the CEO is authorized to contact the individual or entity named in the Qualified Exigency Leave certification for purposes of verifying the existence and nature of the meeting.

An employee who takes leave for Qualifying Reason (D), prior to returning to work, must provide the FLVS Benefits department with a fitness-for-duty certification that specifically addresses the employee's ability to perform the essential functions of his/her job. The fitness-for-duty certification shall only apply to the particular health condition that caused the employee's need for FMLA leave. If reasonable safety concerns exist, the FLVS Benefits department may, under certain circumstances, require an employee to submit a fitness-for-duty certification before s/he returns to work from intermittent FMLA leave. The cost of the certification shall be borne by the employee.

### **Job Restoration & Maintenance of Health Benefits**

Upon return from FMLA leave, FLVS shall restore the employee to his/her former position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. Employees designated as a key employee may have different job restoration rights. During FMLA leave, FLVS shall maintain the employee's current coverage under FLVS's group health insurance program on the same conditions as coverage would have been provided if the employee had been continuously working during the leave period. If the employee was paying all or part of the premium payments prior to going on FMLA leave, the employee must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term may be reviewed individually by the CEO to minimize disruption to the students' program.

Except as may be required by applicable state law, the employee shall not accrue any sick leave, annual leave, or other benefits during a period of unpaid FMLA leave.

The use of approved FMLA leave shall not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave, nor shall it be counted against the employee under a no fault attendance policy.

An employee shall have no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

If the employee fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitle the employee to leave pursuant to Qualifying Reasons (C) or (D) or Military Caregiver Leave, or for circumstances beyond the control of the employee, the employee shall reimburse FLVS for the health insurance premiums paid by FLVS during the unpaid FMLA leave period. Additionally, the date of separation will be the last day of approved FMLA Leave and FLVS Benefits will terminate effective the last day of the month of the employee's last day of approved leave.

Generally, an employee may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave.

An employee who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.



The CEO shall prepare any procedures that are appropriate for this policy and ensure that the policy is posted properly. Copies of this policy shall be available to employees upon request.

### **Savings Clause**

If there is a conflict between this policy and a State law, then the applicable State law will prevail.

© Neola 2015

Legal

F.S. 110.221  
F.S. 1002.37  
F.S. 1012.61  
29 U.S.C. 2601 et seq. (as amended)  
29 C.F.R. Part 825  
45 C.F.R. Part 160  
45 C.F.R. Part 164  
National Defense Authorization Act of 2010



Book	Clean
Section	1000 Administration
Title	DOMESTIC VIOLENCE LEAVE
Code	po1430.02
Status	From Neola

#### 1430.02 - **DOMESTIC VIOLENCE LEAVE**

FLVS shall grant leave for an employee if the employee, or a family or household member, is the victim of domestic or sexual violence.

##### **Definitions:**

- A. Domestic violence has the same meaning as in F.S. 741.28.
- B. Sexual violence has the same meaning as in F.S. 741.313.
- C. Family or household member has the same meaning as in F.S. 741.28.
- D. Victim means an individual who has been subjected to domestic or sexual violence.

Such leave may be for up to three (3) days in any twelve (12) month period and shall be used for the following purposes:

- A. to seek protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- B. to obtain medical care and/or mental health counseling for the employee or a family or household member to address physical or psychological injuries resulting from domestic or sexual violence;
- C. to obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic or sexual violence;
- D. to secure their home from the perpetrator of domestic or sexual violence or to seek new housing to escape the perpetrator;

- E. to seek legal assistance in addressing issues arising from the act of domestic or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic or sexual violence.

The leave shall be granted with pay and is subject to the following conditions:

- A. Except in cases of imminent danger to the health or safety of the employee or to the health and safety of a family or household member, the employee seeking the leave must provide appropriate advance notice along with sufficient documentation of the act of domestic or sexual violence as required the administrative procedures implementing this policy.
- B. The employee must have been employed by FLVS for at least three (3) months prior to the requested leave within a twelve (12) month period.
- C. The employee shall be required to have exhausted all annual leave and/or sick leave prior to utilizing this leave.
- D. Pursuant to Florida statutes, FLVS shall keep information concerning leave for domestic or sexual violence confidential and exempt from disclosure.
- E. FLVS may not discharge, demote, suspend, retaliate, or in any other manner discriminate against an employee for exercising his/her rights under the provisions of this policy. However, this does not limit FLVS's right to discipline or terminate any employee for any reason, including, but not limited to, reductions in the work force or termination for cause.

### **Savings Clause**

If there is a conflict between this policy and a State law, then the applicable State law will prevail.

© Neola 2008

Legal	F.S. 741.28
	F.S. 741.313
	F.S. 1002.37



Book	Clean
Section	1000 Administration
Title	SICK LEAVE
Code	po1430.03
Status	From Neola

#### 1430.03 - **SICK LEAVE**

Full-time employees are eligible to accrue Sick Leave as set forth in this policy. Sick Leave may not be used before it is earned and credited.

##### A. **Accrual**

1. Eligible employees shall earn one (1) day of paid Sick Leave per month which shall be credited to the employee on the first day of each month while the employee is in an active paid status.
2. Sick Leave shall be cumulative from year to year.

##### B. **Use**

1. An employee taking Sick Leave shall notify the appropriate supervisor and record the Sick Leave in the electronic time and attendance system (Workday) before beginning the leave, if possible. In an emergency, the entry into Workday may be recorded immediately following return to duty. FLVS shall develop procedures for the employee's submission of medical verification or other documents to the FLVS Benefits Department for Sick Leave extending beyond three (3) consecutive workdays, in order for FLVS to maintain proper documentation and review for compliance with FMLA.
2. Sick Leave shall be in eight (8) hour increments for exempt employees and one-tenth of hour increments for non-exempt employees, and may be taken for the following reasons:
  - a. when the employee is attending medical appointment(s) or is unable to perform his/her duty on account of personal sickness, accident, disability, or extended personal illness, and consequently has to be absent from his/her work; and

- b. for the illness or death of the employee's relative set forth in Policy 1430.10 (Bereavement Leave).
3. FLVS permits up to six (6) days of accrued Sick Leave for use for personal reasons per fiscal year ("Sick Personal Use"). Sick Personal Use is not accrued and is not cumulative from year to year. Employees must have accrued Sick Leave in order to utilize their Sick Leave for Sick Personal Use reasons. Exempt employees may use Sick Personal Use in full-day or eight (8) hour increments, and non-Exempt employees may use Sick Personal Use in one-tenth of hour increments. Except in case of emergency or in extenuating circumstances, Sick Personal Use is to be requested at least five (5) days in advance.

### C. Transfer

1. From Other Agencies. FLVS eligible employees hired after September 7, 2001 may transfer to FLVS the employee's unused accumulated Sick Leave accrued from: (a) other Florida public schools funded through the Florida Education Finance Program, or (b) another agency that participates in the Florida Retirement System (FRS). Transferred days may only be credited in a number equal to the number of days earned in FLVS. To be eligible for the transferred Sick Leave, the employee must provide documentation of the outside accumulated Sick Leave to FLVS Payroll Department within one (1) year of the employee's hire date with FLVS.
2. To Family Members. An employee may authorize transfer of accrued Sick Leave to his/her spouse, child, parent, or sibling, who is also employed by FLVS, provided that the transfer relates to one of the reasons set forth in paragraph B.2. above. FLVS may require documentation of the recipient's relationship to the authorizing employee. The authorizing employee may not provide the eligible recipient Sick Leave until all of the recipient's Sick Leave has been depleted. Donated Sick Leave under this paragraph shall have no terminal value upon the recipient employee's separation from employment.
3. To Other FLVS Employees. An employee may donate (i.e., authorize transfer of) his/her accrued Sick Leave to another FLVS employee, provided that the transfer relates to one of the reasons set forth in paragraph B.2. above. Sick Leave donated pursuant to this policy shall be in full day (eight (8) hours) increments, and retroactive donations are not permitted. FLVS shall develop procedures for document submission and deadlines for donated Sick Leave. Conditions for these transfers include:
  - a. The authorizing employee must retain at least ten (10) days of Sick Leave, as of the time of donation under this policy, and the authorizing employee must be a full-time employee at the time the donated leave is used by the recipient. The authorizing employee may not revoke a Sick Leave donation.
  - b. The recipient must provide documentation from the treating physician of the illness, accident, or injury for which leave is needed, and the recipient must be on approved leave (whether FMLA or otherwise). In order to receive transfers under this policy, the recipient must anticipate the need for at least three (3) days of Sick Leave and the recipient is allowed a maximum of twenty (20) days

of donated Sick Leave per fiscal year. Recipient shall not use FLVS communication channels (team emails, posts, etc.) to solicit donations.

- c. Any transferred Sick Leave that is not used as anticipated shall be returned to the authorizing employee, upon the recipient's return to work. In the case of multiple donors, the transferred Sick Leave will be used on a first in first out basis until the transferred Sick Leave has either been expended by the recipient or returned to the authorizing employee.
- d. The person receiving the transfer may not use the donated Sick Leave until s/he has exhausted all of his/her own accrued Sick Leave and Annual Leave.
- e. An employee may not donate to or receive donations from other employee(s) who evaluate or supervise or who are evaluated or supervised by each other.
- f. Donated Sick Leave shall have no value for terminal pay for the recipient.

#### **D. Terminal Pay for Sick Leave**

An employee may be paid for unused Sick Leave only upon separation being coded as normal retirement from FLVS (including those entering DROP – Deferred Retirement Option on or after July 1, 2018), or death, up to a maximum of 480 hours.

For purposes of this policy, the term “retirement” is defined as being eligible, applying, and receiving a benefit from FRS. Normal retirement is six (6) years of service and sixty-two (62) years of age, or thirty (30) years of service, regardless of age for FRS members hired prior to July 1, 2011. Normal retirement is eight (8) years of service and sixty-five (65) years of age, or thirty-three (33) years of service, regardless of age for FRS members hired on or after July 1, 2011.

Full-time employees hired prior to September 6, 2001, will receive terminal pay benefits upon retirement that provide a benefit pay-out of all accrued Sick Leave days.

© FLVS 2021

Legal	F.S. 1002.37
	F.S. 1012.62
	F.S. 1012.66



FLORIDA VIRTUAL  
SCHOOL

Book	Clean
Section	1000 Administration
Title	ANNUAL LEAVE
Code	po1430.06
Status	From Neola

### 1430.06 - ANNUAL LEAVE

To maintain quality work performance, FLVS recognizes that adequate time shall be provided to eligible employees for time away from the work environment for rest and relaxation and to attend to personal business or circumstances. For that reason, eligible employees are encouraged to observe their full allotment of paid time off each year. The ultimate decision regarding for the dates of paid time off shall be made at the discretion the employee's supervisor. When the word "day" is used in the policy, it shall mean a working day; it being understood that holidays occurring during an eligible employee's Annual Leave are not considered Annual Leave days.

#### A. Accrual

A twelve (12) month, full-time contracted employee will be eligible for paid Annual Leave based on length of creditable service in the Florida Retirement System (FRS). Employees accrue at one of the accrual rates as long as they remain on active/paid status during that bi-weekly pay period. Full-time, twelve (12) month contracted employees shall earn Annual Leave for FRS creditable service at the rate below:

1. four (4) hours and twenty (20) minutes bi-weekly for up to five (5) years of FRS service
2. five (5) hours and thirty (30) minutes bi-weekly for five (5) to ten (10) years of FRS service
3. six (6) hours and thirty (30) minutes bi-weekly for more than ten (10) years of FRS service

Full-time twelve (12) month employees must be in active/paid status on the date of Annual Leave accrual. Annual Leave accrual is awarded on the last calendar day of the bi-weekly pay period.

Eligible Florida employees may only carry over a maximum of 480 hours of Annual Leave from calendar year to calendar year, and any Annual Leave accrual balance in excess of 480 hours at calendar year end are forfeited. Eligible non-Florida (out of state) employees Annual Leave

accrual will cap at 240 hours accrual balance and no further accrual will occur until the balance falls below 240 hours.

Full-time, ten (10) month contracted employees, and part-time employees, are not eligible for Annual Leave accrual.

B. Transfer

FLVS does not accept the transfer of accrued annual leave from another agency.

If a Florida employee transfers out of state, the maximum amount that may be transferred out of state is 240 hours. The Annual Leave accrual balance above 240 hours will be forfeited on the last day of employment as a Florida employee.

C. Use

Annual Leave can be taken only with the prior approval of the supervising administrator. Use of Annual Leave shall not be approved before the time it is earned. Annual Leave shall be used in increments of eight (8) hours for exempt employees and tenth of hour for non-exempt employees.

Annual Leave shall be scheduled in the workplace to permit minimum disruption of the operation of FLVS's operations. In addition, any Annual Leave requests of more than ten (10) consecutive work days, and any Annual Leave request of ten (10) work days immediately before/after an FLVS paid holiday, must be approved by the CEO.

D. Terminal Pay

When an eligible employee is released or resigns or transfers to an ineligible position for Annual Leave, then s/he will be paid for Annual Leave accumulated through the end of the bi-weekly accrual period according to the following terminal hours limits paid at base pay rates:

1. at separation other than normal retirement including Deferred Retirement Option (DROP) entry prior to July 1, 2018: not to exceed 240 hours
2. normal retirement separation beginning July 1, 2018 including DROP entry: not to exceed 480 hours for a Florida eligible employee and not to exceed 240 hours for a non-Florida (out of state) eligible employee
3. transfer to ineligible position: not to exceed 240 hours

For purposes of this policy, the term "retirement" is defined as being eligible, applying, and receiving a benefit from FRS. Normal retirement is six years of service and 62 years of age, or 30 years of service, regardless of age for FRS members hired prior to July 1, 2011. Normal retirement is eight years of service and 65 years of age, or 33 years of service, regardless of age for FRS members hired on or after July 1, 2011.

E. Encashment



To promote employee wellness, FLVS provides full-time twelve (12) month employees the limited opportunity to use a portion of their accrued Annual Leave each fiscal year for the employee's purchase of the following wellness related expenses: gym memberships, home exercise equipment, hiring a certified personal trainer for workouts, hiring a registered dietitian for nutritional counseling, participation in a weight loss program, tobacco cessation programs, and ergonomic office equipment. The CEO shall develop procedures for this encashment program, which will include specified authorized providers (who shall not be a relative of the employee) and authorized expenses, and procedures and deadlines for requesting encashment. The encashment benefit is personal to the employee and any expenses for the employee's relatives are not eligible for encashment. Encashment requests will be rounded up and paid to the nearest whole hour, and encashment requests are processed on a first come first serve basis pursuant to the availability of budgeted funds. Employees who do not accrue Annual Leave are ineligible to utilize the Annual Leave encashment program.

© Neola 2014

© FLVS 2021

Legal                      F.S. 1002.37  
                                  F.S. 1011.60(3)  
                                  F.S. 1012.65



Book	Clean
Section	1000 Administration
Title	OTHER LEAVES OF ABSENCE
Code	po1430.11
Status	From Neola

#### 1430.11 – **OTHER LEAVES OF ABSENCE**

A Florida Virtual School (“FLVS”) full-time employee who is not eligible for leave otherwise provided by applicable law or FLVS Board of Trustees (“Board”) Policy may request Other Leaves of Absence.

Any such request shall be timely submitted in writing to an authorized representative of the FLVS Benefits Department. The decision to grant or deny Other Leaves of Absence shall be committed to the sole discretion of the FLVS President and Chief Executive Officer (“CEO”), but the exercise of such discretion shall be based upon articulated/express business and operational needs of FLVS.

No FLVS employee may be granted Other Leaves of Absence which exceed thirty (30) consecutive calendar days (irrespective of intermittent FLVS non-working days and holidays). Further, no FLVS employee may be granted unpaid Other Leaves of Absence unless and until the employee has used up/exhausted all other forms of earned or accrued paid leave (e.g., sick leave or annual leave).

© **FLVS 2021**

Legal	F.S. 1002.37 F.S. 1012.66
-------	------------------------------



Book	Clean
Section	5000 Students
Title	STUDENT SUICIDE PREVENTION, AWARENESS, AND SCREENING
Code	po5350
Status	From Neola

### **5350 - STUDENT SUICIDE PREVENTION, AWARENESS, AND SCREENING**

FLVS recognizes that suicide is one of the leading causes of death for Florida's youth. To address the prevalence of student suicide, FLVS believes there must be a partnership among families, the community, and schools. It is critical for families and community members to communicate with and provide information to FLVS staff to identify students at risk of suicide.

FLVS will provide access to suicide prevention educational resources to all instructional and administrative staff as part of FLVS's professional development program. The suicide educational resources will include material approved by the Statewide Office for Suicide Prevention, the Florida Suicide Prevention Coalition, and the Coordinated School Health Resource Center. FLVS's Student Services personnel will be responsible for providing suicide prevention, awareness, and screening training and resources to students and staff.

All FLVS school personnel should be alert to signs of suicide ideation and to students who threaten or attempt suicide. Suicide ideation is the process of fantasizing, planning, practicing, and motivating oneself to commit suicide. Any such signs or the report of such signs from another student or staff member should be taken with the utmost seriousness. Families, community members, and students are encouraged to report any such signs to the principal/instructional leader.

Professional development training in youth suicide prevention shall be provided to Student Services personnel, administration, and instructional staff. Further, additional professional development training regarding risk assessment and intervention shall be provided to mental health counselors, school counselors, psychologists, and school social workers.

#### **Youth Suicide Awareness, Prevention, and Screening**

##### **A. Training**

Two hours of continuing education training will be provided in the area of youth suicide awareness, prevention, and screening, utilizing training materials from the list approved by the Florida Department of Education (FLDOE). Instruction about how to identify appropriate mental health services and how to refer youth and their families to those services shall be included in the program. The training shall be included in the existing continuing education or in-service training requirements for instructional personnel.

##### **B. Suicide Prevention Certified Schools**

Any FLVS school that meets the following requirements shall be considered a Suicide Prevention Certified School under Florida law:

1. All instructional personnel at the school have participated in the two (2) hours of youth suicide awareness, prevention, and screening training; and
2. The school has at least two (2) school-based staff members certified or otherwise deemed competent in the use of a suicide screening instrument approved by the FLDOE and has a policy to use such suicide risk screening instrument to evaluate a student's risk before requesting the initiation of, or initiating, an involuntary examination due to concerns about the student's suicide risk.

The President and Chief Executive Officer (CEO) will notify the FLDOE of all schools qualifying for this designation. Each school shall also post on its own website whether it is a Suicide Prevention Certified School, and FLVS shall post on its website a list of the Suicide Prevention Certified Schools.

Pursuant to State law, participating in the training does not create any new duty of care or the basis of liability.

© Neola 2019

Legal	F.S. 14.2019
	F.S. 14.20195
	F.S. 1002.37
	F.S. 1012.583



Book	Clean
Section	5000 Students
Title	DRESS AND GROOMING
Code	po5511
Status	From Neola

### 5511 - **DRESS AND GROOMING**

The Board of Trustees authorizes the President and Chief Executive Officer (CEO) to establish a dress code, which may include a school uniform in order to promote a safe and healthy school setting and enhance the educational environment. The dress code shall be incorporated into the student Code of Conduct.

Accordingly, the CEO shall establish such procedures as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes. Such procedures shall prohibit student dress or grooming practices which:

- A. present a hazard to the health or safety of the student or to others;
- B. materially interfere with school work, create disorder, or disrupt the educational program;
- C. prevent the student from achieving his/her own educational objectives because of blocked vision or restricted movement.

Such procedures shall establish the dress requirements for members of any athletic teams, bands, and other school groups when representing FLVS at a public event.

The CEO shall develop administrative procedures to implement this policy that designates the principal/instructional leader as the arbiter of student dress and grooming in his/her school.

© Neola 2017

Legal	F.S. 1002.37
	F.S. 1006.07
	F.S. 1011.78



Book	Clean
Section	5000 Students
Title	CARE OF SCHOOL PROPERTY
Code	po5513
Status	From Neola

### **5513 - CARE OF SCHOOL PROPERTY**

FLVS believes that the schools should help students learn to respect property.

FLVS charges each student with responsibility for the proper care of FLVS property and supplies and equipment entrusted to the student's use.

Students who cause damage to FLVS property shall be subject to disciplinary measures, and their parents shall be financially liable for such damage to the extent of the law, except that students eighteen (18) years of age or older shall also be liable for the damage they cause.

The FLVS Board of Trustees authorizes the imposition of fines for the loss, damage, or destruction of FLVS equipment, apparatus, musical instruments, library material, textbooks, and for damage to FLVS facilities.

FLVS may report to the appropriate juvenile authorities any student whose damage of FLVS property has been serious or chronic in nature.

A reward may be offered by FLVS for the apprehension of any person who vandalizes FLVS property.

**© Neola 2002**

Legal	F.S. 1002.37
	F.S. 1006.42



Book	Clean
Section	5000 Students
Title	STUDENT HAZING
Code	po5516
Status	From Neola

### 5516 - **STUDENT HAZING**

Hazing activities of any type are inconsistent with and disruptive to the educational process and prohibited at any time in school facilities, on school property, and/or off school property if the misconduct is connected to activities or incidents that have occurred on school property. No administrator, faculty member, or other FLVS employee shall encourage, permit, authorize, condone, or tolerate any hazing activities. No student shall plan, encourage, or engage in any hazing.

Hazing is defined as any action or situation that endangers the mental or physical health or safety of a student at a school for purposes including, but not limited to:

- A. initiation into any organization operating under the sanction of FLVS;
- B. admission into any organization operating under the sanction of FLVS;
- C. affiliation with any organization operating under the sanction of FLVS; or
- D. the perpetuation or furtherance of a tradition or ritual of any organization operating under the sanction of FLVS.

Hazing includes, but is not limited to, pressuring, coercing, or forcing a student into violating State or Federal law; any brutality of a physical nature, such as whipping, beating, branding or exposure to the elements, or forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student; or any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student.

Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Administrators, faculty members, and other employees of FLVS shall be alert particularly to possible situations, circumstances, or events that might include hazing. Administrators, staff members, and volunteers shall not intentionally remain ignorant of hazing or potential hazing activities. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer of the prohibitions contained in this policy and shall be ordered to end all hazing activities or planned activities immediately. All hazing incidents shall be reported immediately in accordance with procedures set forth below. Students, administrators, faculty members, and other employees who

fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil and criminal penalties in accordance with law.

### **Procedure for Reporting**

FLVS designates the principal/instructional leader as the person responsible for receiving all complaints of hazing. Any student or student's parent/guardian who believes s/he has been or is the victim of harassment should immediately report the situation to the school principal/instructional leader. Complaints against the principal/instructional leader should be filed with the President and Chief Executive Officer (CEO). Complaints against the CEO should be filed with the Board of Trustees Chair.

All school employees are required to report alleged violations of this policy and alleged acts of hazing to the principal/instructional leader or as described above. School employees must report the alleged violations and acts to the principal/instructional leader within twenty-four (24) hours.

All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy to the principal/instructional leader or as described above.

Written and oral reports shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

### **Discipline for Hazing**

Students found to have engaged in acts of hazing as defined herein shall be subject to disciplinary action in accordance with the Student Code of Conduct.

### **Reports to Law Enforcement (Grades 9 through 12)**

An alleged act of hazing involving any student in grades 9-12 shall be reported to the local law enforcement agency if the alleged act meets the following criteria:

- A. a person who commits an act of hazing upon another person who is a member of or an applicant to any type of student organization, if the person knew or should have known the act would result in serious bodily injury or death of such other person and the act results in the serious bodily injury or death of such other person; or
- B. a person who commits an act of hazing upon another person who is a member of or applicant to any type of student organization, if the person knew or should have known the act would create a potential risk of physical injury or death to such other person and the act creates a potential risk of physical injury or death of such other person.

### **Referral of Victims and Perpetrators of Hazing to a Certified School Counselor**

Individual(s) who are alleged victims or perpetrators of hazing shall be referred to a FLVS Student Services team member, whose responsibility it will be to address any counseling needs of the victim or perpetrator deemed necessary by the FLVS Student Services team member, which may include, but is not limited to, counseling and support to address the needs of the victim and perpetrator, interventions to address the behavior of students who perpetrated the hazing, and interventions which include assistance and support for victims of hazing.

### **Reporting of Hazing Incidents**

Hazing incidents shall be reported in each school's safety and discipline report required under F.S. 1006.09. The report shall include the number of hazing incidents reported, the number of incidents referred to a local law enforcement agency, the number of incidents that result in disciplinary action taken by the school, and the number of incidents that do not result in either referral to a local law enforcement agency or disciplinary action taken by the school.



**Notice**

The CEO shall cause the distribution of this policy to all students and FLVS employees, and shall incorporate it into staff and student handbooks. It shall also be the subject of discussion at employee staff meetings or in-service programs.

© Neola 2019

Legal                    F.S. 1002.37  
                              F.S. 1006.09  
                              F.S. 1006.135



Book	Clean
Section	5000 Students
Title	BULLYING AND HARASSMENT
Code	po5517.01
Status	From Neola

#### 5517.01 - **BULLYING AND HARASSMENT**

FLVS is committed to providing an educational setting and workplace that is safe, secure, and free from bullying and harassment for all students and employees.

FLVS will not tolerate unlawful bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited:

- A. during any education program or activity conducted by FLVS;
- B. during any FLVS-related or FLVS-sponsored program or activity, or on FLVS-provided transportation (if any);
- C. through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of FLVS; or
- D. through the use of data or computer software that is accessed at a non-FLVS related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by FLVS, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by FLVS or substantially disrupts the education process or orderly operation of FLVS. Notwithstanding the foregoing, this section does not require FLVS to staff or monitor any non-FLVS related activity, function or program.

Pursuant to State law, FLVS students, parents, teachers, administrators, staff, volunteers, community representatives, and local law enforcement agencies shall be involved in the review of this policy.

This review process shall be conducted not less than every three (3) years thereafter.

The President and Chief Executive Officer (CEO) or designee shall develop a comprehensive plan intended to prevent bullying and harassment and to cultivate the school climate so as to appropriately identify, report, investigate, and respond to situations of bullying and harassment as they may occur on FLVS property, at FLVS-sponsored events, and through FLVS computer networks. Implementation of

the plan by each principal/instructional leader will be ongoing throughout the school year and will be integrated with the school curriculum, the bullying and prevention program, FLVS disciplinary policies, and violence prevention efforts.

## Definitions

**Bullying** includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one (1) or more students or employees. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. physical violence;
- G. theft;
- H. sexual, religious, or racial harassment;
- I. public or private humiliation; or
- J. destruction of property; and
- K. social exclusion.

**Cyberbullying** means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one (1) person or the posting of material on an electronic medium that may be accessed by one (1) or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

**Cyberstalking** means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

**Harassment** means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or FLVS employee that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of FLVS.

**Bullying and harassment** also encompass:

- A. Retaliation against a student or FLVS employee by another student or FLVS employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
- B. Perpetuation of conduct listed in the definition of bullying and/or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
  - 1. incitement or coercion;
  - 2. accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the FLVS school system; or
  - 3. acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

**Harassment** also means electronically transmitted acts (i.e., internet, e-mail, cellular telephone, personal digital assistants (PDA), or wireless hand-held device) that a student(s) or a group of students exhibits toward another particular student(s) and the behavior both causes mental and physical harm to the other student and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s).

### **Sexual Cyberharassment**

Pursuant to Florida law, sexual cyberharassment means to publish a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person to an Internet website without the depicted person's consent, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Sexual cyberharassment may be a form of sexual harassment.

**Within the scope of FLVS** means regardless of ownership, any computer, computer system, or computer network that is physically located on FLVS property or at an FLVS-related or FLVS-sponsored program or activity.

### **Expected Behavior**

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

Such behavior is essential in maintaining an environment that provides each student the opportunity to obtain a high-quality education in a uniform, safe, secure, efficient, and high-quality system of education.

The standards for student behavior shall be set cooperatively through interaction among students, parents/guardians, staff and community member, producing an atmosphere that encourages students to grow in self-discipline. The development of such an atmosphere requires respect for self and others, as well as for FLVS and community property on the part of students, staff, and community members. FLVS administrators, faculty, staff, and volunteers serve as role models for students and are expected to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying.

Students are expected to conform to reasonable standards of socially acceptable behavior; respect the person, property, and rights of others; obey constituted authority; and respond to those who hold that authority.

### **Consequences**

Consequences and appropriate remedial action for students who commit acts of bullying or harassment or found to have wrongfully and intentionally accused another as a means of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct.

Consequences and appropriate remedial action for a school employee found to have committed an act of bullying or harassment or found to have wrongfully and intentionally accused another as a means of bullying or harassment shall include discipline in accordance with the adopted policies of the Board of Trustees (Board). Egregious acts of harassment by certified educators may result in a sanction against an educator's State-issued certificate. (See the *Principles of Professional Conduct of the Education Profession in Florida* - F.A.C. 6A-10.081)

Consequences and appropriate remedial action for a visitor or volunteer found to have committed an act of bullying or harassment or found to have wrongfully and intentionally accused another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

### **Procedure for Reporting**

The principal/instructional leader is designated as the person responsible for receiving all alleged acts of bullying. Any student or student's parent/guardian who believes s/he has been or is the victim of bullying or harassment should immediately report the situation to the principal/instructional leader. Complaints against the principal/instructional leader should be filed with the CEO. Complaints against the CEO should be filed with the Board Chair.

All school employees are required to report alleged violations of this policy and alleged acts of bullying and harassment to the principal/instructional leader or as described above. The alleged violations and acts must be reported by school employees to the principal/instructional leader within twenty-four (24) hours.

All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy to the principal/instructional leader or as described above.

Written and oral reports shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

The principal/instructional leader shall establish and prominently publicize to students, staff, volunteers, and parents the procedure for reporting bullying and how such a report will be acted upon. A victim of bullying and/or harassment, anyone who witnessed the act, and anyone who has credible information that an act of bullying and/or harassment has taken place may file a report.

### **Procedure for Investigation**

The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act. All complaints about bullying and/or harassment that may violate this policy shall be promptly investigated by an individual, designated by the principal/instructional leader, who is trained in investigative procedures. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately and shall be confidential. The investigator may not be the accused perpetrator or victim. At no time shall the accused perpetrator and victim be interviewed together. The investigator shall collect and evaluate the facts including, but not limited to, the following:

- A. a description of the incident, the nature of the behavior, and the context in which the incident occurred;
- B. how often the conduct occurred;
- C. whether there were past incidents or past continuing patterns of behavior;
- D. the relationship between the parties involved;
- E. the characteristics of the parties involved;
- F. the identity of the alleged perpetrator, including whether the individual was in a position of power over the individual allegedly subjected to bullying or harassment;
- G. the number of alleged bullies/harassers;
- H. the age of the alleged bully/harasser;
- I. where the bullying and/or harassment occurred;
- J. whether there have been other incidents in the school involving the same or other students;
- K. whether the conduct adversely affected the student's education or educational environment;
- L. the date, time, and method in which the parent(s) of all parties involved were contacted.

In accordance with State law, FLVS staff may monitor as part of any bullying or harassment investigation any non-school-related activity, function, or program.

If, during an investigation of reported acts of bullying and/or harassment, the principal/instructional leader or his/her designee believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on race, color, national origin, sex (including sexual orientation, transgender 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 principal/instructional leader or his/her designee will report the act of bullying and/or harassment to one (1) of the Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment.

Upon the completion of the investigation to determine whether or not a particular action or incident constitutes a violation of the policy, the designated individual who has conducted the investigation shall make a determination based on all the facts and surrounding circumstances and shall include:

- A. a recommendation of remedial steps necessary to stop the bullying and/or harassing behavior;  
and
- B. a written report to the principal/instructional leader.

A maximum of ten (10) business days should be the limit for the completion of the investigative procedural steps and submission of the incident report. While ten (10) business days is the expectation for completion of the investigative procedural steps, more time may be needed based on the nature of the investigation and the circumstances affecting that investigation. The investigator shall document in his/her report the reasons for needing additional time beyond ten (10) business days. The highest level of confidentiality possible shall be provided regarding the submission of a complaint or a report of bullying and/or harassment and for the investigative procedures that are employed.

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

### **Scope**

The investigator will provide a report on the results of the investigation with recommendations for the principal/instructional leader to make a determination if an act of bullying or harassment falls within the scope of FLVS authority. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated. If the action is within the scope of FLVS, then FLVS procedures for investigating bullying and/or harassment shall be followed. If the action is outside the scope of FLVS and believed to be a criminal act, the action shall be referred to the appropriate law enforcement agency. If the action is outside the scope of FLVS and believed not a criminal act, the principal/instructional leader shall inform parents/guardians of all minor parties.

### **Parent Notification**

The principal/instructional leader shall report the occurrence of an incident of bullying as defined by Board policy to the parent/guardian of all students known to be involved in the incident on the same day an investigation of the incident has been initiated. Notification shall be by telephone or by personal conference and in writing by first-class mail and shall be consistent with the student privacy rights under applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). The notice shall

advise the individuals involved of their respective due process rights including the right to appeal any resulting determination or action to the State Board of Education.

If the bullying incident results in the perpetrator being charged with a crime, the principal/instructional leader shall inform by first class mail or by telephone the parent/guardian of the identified victim(s) involved in the bullying incident about the Unsafe Schools Choice Option (Title VIII, Part F, Subpart 2, Section 8532 of Every Student Succeeds Act) that states, in pertinent part, as follows:

....a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

Upon the completion of the investigation and if criminal charges are to be pursued against the perpetrator, the appropriate law enforcement agencies shall be notified by telephone and/or in writing.

### **Counseling Referral**

FLVS shall provide a referral procedure for intervening when bullying or harassment is suspected or when a bullying incident is reported. The procedure will include:

- A. a process by which the teacher or parent may request informal consultation with FLVS staff (e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern;
- B. a referral process to provide professional assistance or services that may include a process by which FLVS personnel or parent/guardian may refer a student to the school intervention team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services (parent/guardian involvement is required at this point); or

If a formal discipline report or formal complaint is made, the principal/instructional leader must refer the student(s) to the school intervention team for determination of counseling support and interventions (parent/guardian is required at this point).

- C. a school-based action to address intervention and assistance as determined appropriate by the intervention team that includes:
  - 1. counseling and support to address the needs of the victim(s) of bullying or harassment;
  - 2. interventions to address the behavior of students who bully and harass others (e.g., empathy training, anger management, etc.);
  - 3. interventions which include assistance and support for parents, as may be deemed necessary or appropriate.

### **Data Report**

FLVS will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data as prescribed. If a bullying (including cyberbullying) and/or harassment



incident occurs it will be reported in SESIR, coded appropriately using the relevant incident code and the related element code. Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System. In a separate section, FLVS shall include each alleged incident of bullying or harassment that does not meet the criteria of a prohibited act under this policy with recommendations regarding such incidents.

FLVS will provide bullying incident, discipline, and referral data to the Florida Department of Education (FLDOE) in the format requested, through Surveys 2, 3, and 5 from Education Information and Accountability Services, and at designated dates provided by the Department. Data reporting on bullying, harassment, unsubstantiated bullying, unsubstantiated harassment, sexual harassment, and threat/intimidation incidents as well as any bullying-related incidents that have as a basis sex, race, or disability should include the incident basis. Victims of these offenses should also have the incident basis (sex, race, or disability) noted in their student record.

### **Training and Instruction**

Students, parents, teachers, school administrators, counseling staff, and school volunteers shall be provided training and instruction, at least annually, on FLVS's policy and administrative procedures regarding bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as information about how to effectively identify and respond to bullying in schools and in a virtual environment. Instruction regarding bullying, harassment, and FLVS's violence prevention and school safety efforts shall be integrated into FLVS curriculum at the appropriate grade levels. The training and instruction shall include recognizing behaviors that lead to bullying and harassment and taking appropriate preventative action based on those observations. FLVS provides the following authorized programs.

#### **Programs for staff include:**

- A. Supporting All Students: Creating Positive Environments for LGBTQ Students by Ian Siljestrom, The Safe and Healthy Schools Associate Director for Equality Florida
- B. Beacon on Demand Courses (free as part of our paid subscription): #8672 Recognizing Signs and Symptoms of Emotional Distress
- C. Beacon on Demand Courses: #8636 Community Trauma: Strategies for the Classroom
- D. Beacon Staff training (on their website): Creating a Safe and Respectful Environment in Our Nation's Classrooms (for teachers)

#### **Programs for students include:**

- A. Leader in Me
- B. Evolution Labs - 5 hour Mental and Emotional Health Education requirement
- C. Sandford Harmony
- D. Guidance: K-5 Anti-bullying webinar series in zoom found here <https://www.flvs.net/student-resources/flex/webinars-elementary>
- E. Computer Science Courses K-5
- F. MJ Peer Counseling
- G. Peer Counseling 2

Decisions to include additional instructional programs or activities, not previously listed within this policy, will be made on a case-by-case basis, and authorized by principals/instructional leaders.

## **Victim's Parent Reporting**

The principal/instructional leader shall report the occurrence of an incident of bullying as defined herein to the parent/guardian of students known to be involved in the incident on the same day an investigation of the incident has been initiated. Notification shall be by telephone and in writing by first-class mail and shall be consistent with the student privacy rights under applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). According to the level of infraction, the victim's parents will be notified by telephone and/or in writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment incident.

## **Policy Publication**

At the beginning of each school year, school staff, parents/guardians/other persons responsible for the welfare of a student will be informed through written communication of FLVS's student safety and violence prevention policy.

FLVS shall provide notice to students and staff of this policy in the Code of Student Conduct, employee handbooks, and via FLVS's official website. All contractors will also be notified of this policy.

Each principal/instructional leader shall implement a process for discussing, at least annually, the Board policy on bullying and harassment with students in a student assembly or other reasonable format. Reminders of the policy and bullying prevention messages will be displayed, as appropriate, through FLVS platforms and at any FLVS facilities.

## **Immunity**

Pursuant to s. 1006.147(5), F.S., a school employee, school volunteer, students, parent/guardian, or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in Board policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments. Such immunity from liability shall not apply to any FLVS employee, volunteer, student, parent/guardian, or other person determined to have made an intentionally false report about harassment, intimidation, and/or bullying.

## **Privacy/Confidentiality**

FLVS will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, 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 this policy and its related administrative procedures shall be maintained as confidential to the extent permitted by law.

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.

### **Retaliation/False Charges**

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry under this policy is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions. Suspected retaliation should be reported in the same manner as aggressive behavior and/or bullying.

© Neola 2017

Legal                      F.S. 110.1221  
                                  F.S. 784.048  
                                  F.S. 1002.20  
                                  F.S. 1002.37  
                                  F.S. 1006.13  
                                  F.S. 1006.147  
                                  Florida Department of Education Revised Model Policy (April 2016)  
                                  Every Student Succeeds Act, Title VIII, Part F, Subpart 2, Section 9532



Book	Clean
Section	5000 Students
Title	DATING VIOLENCE AND ABUSE
Code	po5517.03
Status	From Neola

### **5517.03 - DATING VIOLENCE AND ABUSE**

FLVS strictly prohibits any act of dating violence and abuse committed by one student against another on FLVS property, during an FLVS-sponsored activity, or during FLVS-sponsored transportation (if any).

#### **Dating Violence and Abuse Defined**

For purposes of this policy, dating violence and abuse shall be defined as emotional, verbal, sexual, or physical abuse of a student who is in a current or was in a past dating relationship by the other person in that dating relationship. Abuse may include insults, coercion, social sabotage, sexual harassment, stalking, threats and/or acts of mental, physical or sexual abuse. It may also be a pattern of demeaning, coercive, abusive actions that amount to emotional or psychological abuse. Dating violence and abuse may also include abuse, harassment, and stalking via electronic devices such as cell phones and computers, as well as harassment through a third party.

#### **Reporting Acts of Dating Violence and Abuse**

Any student who feels that they are the victim of an act of dating violence and abuse, or has cause to believe that s/he is in immediate danger of becoming the victim of an act of dating violence and abuse, should report the matter to the principal/instructional leader or to any member of the FLVS staff.

Any FLVS employee who receives a report of an act of dating violence and abuse, who directly observes an act of dating violence and abuse perpetrated by one student against another, or who has reason to believe that a student is a victim of dating violence and abuse shall report such report, observations, or suspicions to the principal/instructional leader.

Any member of the school community, including students, parents, volunteers, and visitors, who observes an act of dating violence and abuse perpetrated by one student against another, or who has reason to believe that a student is a victim of dating violence and abuse is strongly encouraged to promptly report the matter to the principal/instructional leader or other FLVS administrator or official. These reports can be made either in person or anonymously.

#### **Investigating Reports of Dating Violence and Abuse**

Upon receiving a report of alleged dating violence and abuse, the principal/instructional leader shall work with the FLVS Safety Specialist to conduct an investigation of the allegation promptly. As part of the investigation, the principal/instructional leader shall contact the parent(s) of the alleged victim and/or the parent(s) of the alleged perpetrator, if they are under the age of eighteen (18), to inform them of the report.

The investigation of the report should include interviews of the alleged victim, the individual accused of perpetrating the dating violence and abusive behavior, and any other person who may have witnessed the alleged act or who may reasonably be expected to have information relevant to the situation. All interviewed parties and witnesses will be provided an opportunity to present any evidence that they reasonably believe to be relevant to the situation.

FLVS reserves the right to investigate a report of dating violence and abuse regardless of whether the student who is allegedly the victim of the dating violence and abuse wants to pursue the matter.

### **Consequences**

At the conclusion of the investigation, the principal/instructional leader will determine whether or not the allegation of dating violence and abuse was substantiated. If the principal/instructional leader determines that a student has committed an act of dating violence and abuse, that violation of this policy shall result in disciplinary action in accordance with the Student Code of Conduct, which may include suspension, assignment to another school or program, or recommendation for expulsion. All disciplinary action shall be taken in accordance with State law and applicable Board of Trustees (Board) policy. When imposing discipline, the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved, shall be considered.

Suspensions for acts of teen violence and abuse may be appealed in accordance with the procedures set forth in the Student Code of Conduct.

Further, the Department of Children and Families shall be notified if the student who is found to have perpetrated the act of dating violence and abuse is eighteen (18) years of age or older and the student who was the victim of the act of dating violence and abuse is a minor.

In those cases where teen dating violence and abuse is not substantiated, the principal/instructional leader may consider whether the alleged conduct nevertheless warrants disciplinary action in accordance with the Student Code of Conduct or other Board policies.

### **Support and Reasonable Accommodations**

If requested during or after the investigation, the principal/instructional leader shall make reasonable accommodations for the student who is allegedly experiencing dating violence and abuse including, but not limited to the following:

- A. Stay Away Contract, including electronic communication and contact, which is a contract with the alleged perpetrator to stay away from the victim while on FLVS grounds, in FLVS courses, on FLVS-provided transportation (if any), and during FLVS-sponsored programs and events;
- B. Class schedule changes;
- C. Protection that will enable safe egress/regress as well as movement within the FLVS program or on FLVS grounds; and
- D. Referrals for outside support or counseling.

Students should provide the principal/instructional leader with a copy of an order of protection that has been issued by the court. The principal/instructional leader shall then contact the student whose behavior is to be regulated by that order of protection and initiate a Stay Away Contract that is consistent with the terms of that order and provides penalties for known violations of the contract. Further, the principal/instructional leader shall notify law enforcement immediately if s/he knows or has reason to believe that a criminal or civil restraining order has been violated.

### **Other Violations of the Dating Violence and Abuse Policy**

FLVS will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging dating violence and abuse, or who has participated as a witness in an investigation of such an allegation.
- B. Filing a malicious or knowingly false report or complaint of dating violence and abuse.
- C. Disregarding, failing to investigate adequately, or delaying the investigation of allegations of dating violence and abuse, when responsibility for reporting and investigating allegations of dating violence and abuse comprises part of one's supervisory duties.

### **Privacy/Confidentiality**

FLVS will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with FLVS'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 and its related administrative procedures shall be maintained as confidential to the extent permitted by law.

### **Retention of Investigatory Records and Materials**

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information (ESI), and electronic media 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 FLVS personnel;
- D. any written documentation of actions taken by FLVS personnel;
- 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; and

- 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.

The information, documents, ESI, and electronic media 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 created or received as part of an investigation shall be retained for not less than three (3) years, but longer if required by FLVS's records retention schedule.

### **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of dating violence and abuse. The President and Chief Executive Officer (CEO) shall require that FLVS's comprehensive health curriculum in grades 7-12 include a component about dating violence and abuse that is age appropriate and includes the content required by State law. The dating violence and abuse component shall include, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse. The curriculum shall have an emphasis on prevention-based education.

Further, the CEO shall cause the provision of appropriate training to all members of FLVS staff related to dating violence and abuse, and the implementation of this policy.

© Neola 2018

Legal                      F.S. 1002.37  
                                    F.S. 1003.42  
                                    F.S. 1006.148



Book	Clean
Section	5000 Students
Title	DISORDER AND DEMONSTRATION
Code	po5520
Status	From Neola

### **5520 - DISORDER AND DEMONSTRATION**

FLVS recognizes the right of each student to attend school for the purpose of receiving an education. The disruption of the educational program of FLVS by disorder or any other purposeful activity will not be countenanced. For purposes of this policy, disorder shall be any deliberate activity by an individual or a group, whether peaceful or violent, which interferes with the normal operation of FLVS.

The FLVS Board of Trustees, having the responsibility for providing an educational program for the students of FLVS, shall have the authority to preserve order for the proper functioning of that program.

Students shall not be disturbed in the exercise of their constitutionally guaranteed rights to assemble peaceably and to express ideas and opinions, privately or publicly, provided that such exercise does not infringe on the rights of others and does not interfere with the operation of FLVS.

© Neola 2002

Legal	F.S. 1002.37 F.S. 1006.145
-------	-------------------------------





Book	Clean
Section	5000 Students
Title	STUDENT ASSISTANCE PROGRAMS
Code	po5531
Status	From Neola

### 5531 - **STUDENT ASSISTANCE PROGRAMS**

The FLVS Board of Trustees has adopted policies related to student conduct in the school setting and has authorized disciplinary measures for the violation of these policies, in order to continuously promote the safety and well-being of both staff and students and to maintain an environment conducive to learning.

FLVS seeks to maintain a balance between maintaining a proper educational environment and a compassion for students who suffer from or are victims of severe, immoral, or illegal behavior. Social Emotional and Mental Health programs have been established to promote healthy and productive living. Discipline shall be maintained to protect students and staff from actions that disrupt teaching and learning. However, FLVS recognizes that students may experience difficulties that educational programs and sound discipline may not prevent and that other forms of assistance may be available through FLVS.

The President and Chief Executive Officer (CEO) is authorized to establish assistance programs for students which provide for effective intervention in areas such as substance abuse, mental health, crisis situations, and other situations which have an impact on students' emotional, mental, and/or social well-being and affect their ability to benefit from educational experiences. Administrative procedures are to be prepared which will ensure that:

- A. the rights of both parents and students are protected;
- B. **a** Threat Assessment Team is established, which is chaired by the FLVS School Safety Specialist and includes administrators, instructional staff, school counselors, student services personnel and law enforcement;
- C. staff members are properly trained and skilled for their roles and participate in ways that comply with their certification or licensing and job description as well as with FLVS policies and administrative procedures; and
- D. outside community resources and agencies are properly certified or licensed to provide services and have a history of effective assistance.

© Neola 2002

Legal	F.S. 397.951 F.S. 1002.37
-------	------------------------------



Book	Clean
Section	5000 Students
Title	STUDENT DISCIPLINE
Code	po5600
Status	From Neola

### 5600 - **STUDENT DISCIPLINE**

FLVS acknowledges that conduct is closely related to learning, and that an effective instructional program requires an orderly school environment. The effectiveness of the educational program is, in part, reflected in the behavior of students.

The FLVS Board of Trustees believes that the best discipline is self-imposed and that students should learn to assume responsibility for their own behavior and the consequences of their actions.

All school personnel shall be informed and responsible for all FLVS administrative procedures concerning discipline. All school personnel shall become involved in the discipline process. A good faith effort shall be made by FLVS to employ parental assistance or other alternative measures prior to suspension.

Students are under the control and direction of the principal/instructional leader and under the immediate control and direction of the teacher or other member of the instructional staff to whom such responsibility may be assigned by the principal/instructional leader:

- A. when they are attending school; and
- B. when they are engaged in an FLVS-sponsored activity.

FLVS shall also require each student to:

- A. conform to reasonable standards of socially acceptable behavior;
- B. respect the person and property of others;
- C. preserve the degree of order necessary to the educational program in which they are engaged; and
- D. respect the rights of others.

FLVS will not tolerate any form of violence, disruptive, or inappropriate behavior. In addition to disciplinary action specified in the parent/student handbooks, the President and Chief Executive Officer (CEO) shall develop strategies that will help prevent students from demonstrating any of these unacceptable behaviors.

The CEO shall prepare administrative procedures for student conduct which carry out the purposes of this policy that:

- A. are not arbitrary but bear a reasonable relationship to the need to maintain an environment conducive to learning;
- B. do not discriminate among students;
- C. do not demean students; and
- D. do not tend to violate any individual rights constitutionally guaranteed to students.

The CEO shall designate sanctions for the infractions of rules, excluding corporal punishment, which shall:

- A. relate in kind and degree to the infraction;
- B. help the student learn to take responsibility for his/her actions; and
- C. be directed, where possible, to reduce the effects of any harm which may have been caused by the student's misconduct.

The CEO shall cause the publication to all students and their parents the rules of FLVS regarding student conduct and the sanctions which may be imposed for breach of those rules.

The CEO shall inform the FLVS Board of Trustees upon its request of the methods of discipline imposed by FLVS and the incidence of student misconduct in such a degree of specificity as shall be required by the FLVS Board of Trustees.

Principals/instructional leaders shall have the authority to assign discipline to students, subject to FLVS Board policy, the administrative procedures of the CEO, and to the student's due process right to notice, hearing, and appeal.

FLVS personnel having authority over students shall have the authority to take such means as may be necessary to control the disorderly conduct of students in all situations and in all places where such students are within the jurisdiction of FLVS and when such conduct interferes with the educational program or threatens the health and safety of others.

If FLVS provides transportation, then the provisions of this policy shall apply.

© Neola 2015

Legal	F.S. 1002.20
	F.S. 1002.37
	F.S. 1006.07
	F.S. 1006.08
	F.S. 1006.09



Book	Clean
Section	5000 Students
Title	SUSPENSION/EXPULSION OF DISABLED STUDENTS
Code	po5605
Status	From Neola

#### **5605 - SUSPENSION/EXPULSION OF DISABLED STUDENTS**

In matters relating to the disciplining of disabled students, FLVS shall abide by Federal and State laws regarding suspension and expulsion.

The President and Chief Executive Officer (CEO) shall develop and update as needed administrative procedures to implement this policy.

© **Neola 2002**

Legal	F.S. 1002.37 F.S. 1006.07 F.S. 1006.09 F.A.C. 6A-6.03311 Section 504, 1973 Rehab. Act 34 C.F.R. 300.520 et seq. U.S. Supreme Court, Honig v Doe, 56 USLW 4091
-------	---



Book	Clean
Section	5000 Students
Title	REMOVAL, OUT-OF-SCHOOL SUSPENSION, DISCIPLINARY PLACEMENT, AND EXPULSION OF STUDENTS
Code	po5610
Status	From Neola

### **5610 - REMOVAL, OUT-OF-SCHOOL SUSPENSION, DISCIPLINARY PLACEMENT, AND EXPULSION OF STUDENTS**

FLVS recognizes that exclusion from its educational program, whether by emergency removal, suspension, disciplinary placement, or expulsion, is the most severe sanction that can be imposed on a student, and one that cannot fairly be imposed without due process.

No student is to be removed, suspended, expelled, or excluded from an activity, program, or FLVS learning management system (“LMS”) unless the student’s behavior represents misconduct as specified in the approved student/parent handbook and FLVS Board of Trustees policies. The handbook shall also specify the procedures to be followed by FLVS officials. In determining whether a student is to be suspended or expelled, FLVS shall use a preponderance of evidence standard. In addition to the procedural safeguards and definitions set forth in this policy and the student/parent handbook, the procedures set forth in Policy 5605 shall apply to students identified as disabled under the IDEA and/or Section 504 of the Rehabilitation Act of 1973.

All references to “CEO” in this policy shall mean the President and Chief Executive Officer or designee. All references to the “Board” shall mean the FLVS Board of Trustees. For purposes of this policy and the administrative procedures of the CEO, the following definitions shall apply:

*Suspension*, also referred to as out-of-school suspension, means the temporary removal of a student from the LMS and all other FLVS-sponsored activities, except as authorized by the principal/instructional leader, for a period not to exceed ten (10) school days and remanding of the student to the custody of the student’s parent, with specific assignments to complete.

*Serious breach of conduct* includes, but is not limited to, willful disobedience, open defiance of the authority of a member of the staff, actual or threatened violence against persons or property, or any other act that substantially disrupts the orderly conduct of FLVS.

*Expulsion* means the removal of the right and obligation of a student to attend FLVS for a period of time and under conditions set by the Board not to exceed the remainder of the term or school year and one (1) additional year of attendance.

*Disciplinary placement* means the involuntary separation of a student from the student’s regular placement or traditional education setting and benefits attached to such placement to a separate disciplinary setting with continued educational services.

## **I. Removal From Class**

### Referral

A teacher has the authority to refer a disruptive student to the principal/instructional leader. In that circumstance, the principal/instructional leader will provide oral and/or written feedback to the teacher with regard to action taken or proposed to be taken concerning the student's behavior. Disruptive behavior will be defined in the parent/student handbook and student *Code of Conduct*.

The teacher may request a conference with the principal/instructional leader and the student's parent(s)/guardian(s) prior to the student being returned to the LMS. A disruptive student will not normally be returned to the LMS where he/she exhibited the disruptive behavior before such a conference occurs.

### Temporary Disabling Access to LMS

A teacher may remove a student from the LMS or school-sponsored program or activity if the teacher determines the student is interfering with the teacher's ability to communicate effectively with other students or with the ability of the student's classmates to learn. The teacher may issue a "contact instructor" directive to the student for reasons including discipline, inactivity in the LMS, or academic integrity.

## **II. Out-of-School Suspension**

When a student's actions are so disruptive to the student or to the school as to violate law, Board policies, or school rules, the student may be suspended by the principal/instructional leader. A student who is suspended shall not have access to the LMS or participate in school-sponsored activities for a prescribed number of days not to exceed ten (10).

Before suspending a student, except in emergencies or disruptive conditions that require immediate suspension or in the case of a serious breach of conduct, the principal/instructional leader or designee shall make a good faith effort to employ parental assistance or alternative methods of dealing with the student and shall document such efforts.

Prior to a suspension, the principal/instructional leader will hold an informal hearing to give the student oral and written notice of the charges and an explanation of the evidence against him/her. The student will then have an opportunity to explain their side of the story. The hearing will be held on the day of the alleged infraction unless it would be impossible or unreasonably difficult to do so.

In cases of extremely disruptive or dangerous behavior, persons or groups involved may be immediately suspended and removed from the LMS without the necessity of a prior hearing. In such instances, each student shall be afforded an informal hearing before the principal/instructional leader prior to the expiration of the third day of suspension.

The principal/instructional leader will make a good faith effort to contact the student's parent or guardian by telephone immediately after making the decision to suspend. The principal/instructional leader will send formal written notice to the student's parent or guardian by U.S. Mail, informing of the length of the suspension and the reasons for it.

Except in the event of emergencies, all out-of-school suspensions shall begin at the end of the school day of the infraction.

During the suspension, the student's access to the LMS is disabled. The student continues with their schoolwork after completion of the suspension period.

When Board action on a recommendation for the expulsion of a student is pending, the CEO may extend the suspension assigned by the principal/instructional leader beyond ten (10) school days if such suspension expires before the next regular or special meeting of the Board.

In the case of students with disabilities, suspensions shall be pursuant to Policy 5605 and the requirements of law.

#### Appeals of Suspensions

The Board designates the CEO to preside over all hearings regarding the appeal of a suspension.

The notice to the parent will include an explanation of the right of the student or parent to appeal to the CEO, the right to be represented at the appeal, and the right to request the hearing.

The decision of the CEO is final.

#### Delayed Admission

The Board authorizes the CEO to delay the admission of a student who has been suspended by another public or private school for an act that would have been grounds for suspension according to the Board-adopted student *Code of Conduct* for a period equal to that of the suspension.

#### Waiver of Suspension

The CEO may grant to a principal/instructional leader the approval to waive mandatory suspension policies if the principal/instructional leader has submitted a request for the waiver and has an existing educational alternative available to the student.

### **III. Expulsion**

The Board recognizes that expulsion from the educational program of the schools is the most severe sanction for a student at FLVS and that either one cannot fairly be imposed without due process.

A principal/instructional leader may recommend to the CEO the expulsion of a student who has committed a serious breach of conduct. A recommendation of expulsion will include a detailed report on the student's actions and alternative measures taken before the recommendation.

A student and the student's parent or guardian will be given written notice of the principal/instructional leader's recommendation and the reasons therefore and an opportunity to meet with the CEO to answer the charges.

The CEO, after reviewing the facts and circumstances of the student's misconduct and the principal/instructional leader's recommendation, may accept, reject, or modify the principal/instructional leader's recommendation.

The Board will decide on a recommended expulsion of any student who is charged with any of the "zero tolerance" policies set forth in Policy 5500 and the student *Code of Conduct*, which includes a student who has been determined to have brought to, or possessed at, at a FLVS location a firearm or weapon, as defined in F.S. Chapter 790, or to have made a threat or false report, as defined by F.S. 790.162 and 790.163.

When the CEO makes a recommendation for disciplinary placement or expulsion to the Board, written notice shall be given to the student and the student's parent or guardian of the recommendation setting forth the charges against the student, with a summary of the factual, legal, and policy grounds for the recommendation, and advising the student and his/her parent or guardian of their right of due process, including the right to a hearing.

When making a determination whether or not a student will be expelled or permanently excluded under this policy, the CEO shall retain all documents, electronically stored information (ESI), and electronic media (as defined in Board Policy) from time to time created and/or received as part of an investigation.

The documents, ESI, and electronic media retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records. The documents, ESI, and electronic media shall be retained for such time as required by law.

All students who are recommended for disciplinary placement or expulsion shall undergo screening to determine if they may be a student with a disability and due the procedural rights and safeguards afforded such students.

A parent or adult student may make a written request for a hearing within ten (10) days from receipt of the CEO's notice.

#### Disciplinary Placement and Expulsion Hearings

The hearing may be conducted by an individual appointed by the CEO to serve as the hearing officer, who may an administrator independent from the school setting, or an attorney who is a member in good standing of the Florida Bar. The hearing officer may seek assistance from an FLVS expulsion panel, the members of which serve the hearing officer as a fact finding committee.

All parties will be given reasonable notice of the hearing of not less than fourteen (14) days; however, the fourteen (14) day requirements may be waived by the hearing officer without the consent of the parties.

Failure to timely request a hearing or failure to appear at a hearing after notice of the date and time of the hearing shall be deemed to be a waiver of any hearing on the matter. However, upon presentation of good and sufficient reasons for non-appearance, the hearing officer may direct that the hearing be re-scheduled.

Hearings will be conducted in accordance with Florida statutes and the Uniform Rules of Procedure. Reasonable flexibility in method or order of presentation shall be permitted. No parent or adult student shall be prohibited from presenting reasonable matters because of insubstantial procedural irregularities. A parent or adult student may be represented at the hearing by an adult, whether as legal counsel or qualified representative.

Disciplinary placement and expulsion hearings are exempt from the public meetings law; however, the parent may elect to have the hearing held as a public meeting.

#### No Disputed Issues(s) of Material Fact

If there is no disputed issue of material fact, the parent or adult student, or their counsel, will have the opportunity at the hearing to present written or oral evidence in opposition to the proposed action or a written statement challenging the propriety of the proposed action.

The hearing officer's recommendation for Board action will be served upon the parent or adult student, the student's representative, if any, and the CEO.

#### Disputed Issue(s) of Material Fact

If there is a disputed issue of material fact, all parties will have an opportunity at the hearing to respond, to present evidence, and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to the hearing officer's recommended order.

Findings of fact shall be based on a preponderance of the evidence and shall be based exclusively on the evidence of record and on matters officially recognized.

All parties may submit proposed findings of fact, conclusions of law, orders, and memoranda on the issues within ten (10) business days of the conclusion of the hearing.

The hearing officer's findings of fact, conclusions of law, and recommendation for Board action will be set forth in a recommended order served upon the parent or adult student, the student's representative, if any, and the CEO.



Each party shall have fifteen (15) days from receipt to submit written exceptions to the recommended order to the Board's Clerk.

#### Board Action

The hearing officer's recommended order will be submitted to the Board for action. The parent, adult student, or representative may appear at the Board meeting and speak to the recommended action. At the sole discretion of the Board Chair, the parent, adult student or representative will be allowed five (5) minutes to address the Board, and the CEO's attorney will be allowed five (5) minutes to respond. No new evidence will be received at the Board meeting.

#### Final Order

The Board will enter a written final order, including findings of fact and conclusions of law separately stated. The final order will include a ruling on each exception filed, if any, in accordance with Florida statutes.

The final order will be served on all parties.

#### Appeal

A party may seek judicial review of the final order in accordance with F.S. 120.68.

#### Denial of Admission

A student seeking to enroll at FLVS who has been expelled by an in-state or out-of-state public district school board, private school, or lab school for an act that would have been grounds for expulsion according to the FLVS student *Code of Conduct* may be denied admission to FLVS for a period equal to that of that expulsion.

Prior to making a recommendation regarding admission or denial thereof, the CEO may offer the student an opportunity for a hearing to review the circumstances of the expulsion and any other factors the CEO determines to be relevant.

The CEO may recommend that the Board honor the final order of expulsion from the student's previous district of attendance and deny admission to the student, or that the Board waive the final order of expulsion and admit the student.

Acting upon the recommendation of the CEO, the Board may deny the admission of a student who has been expelled by any in-state or out-of-state public district school board or private school for a period equal to that of the expulsion for an act that would have been grounds for expulsion according to the Board-adopted student *Code of Conduct*. A final order of expulsion shall be recorded in the records of FLVS, and the student and the student's parents shall be advised of the final order of expulsion.

However, the Board may, with or without the CEO's recommendation, waive the expulsion, admit the student, and direct that s/he be placed in an appropriate educational program.

The CEO shall develop administrative procedures to implement this policy to provide for compliance with applicable statutes.

A copy of this policy is to be made accessible to students and parents in FLVS's online policy manual and shall be provided in hard copy to students and parents upon request. Key provisions of this policy should also be included in the student *Code of Conduct*.

© Neola 2020

Legal                      F.S. 120.569  
                                    F.S. 120.57

F.S. 1002.20  
F.S. 1002.37  
F.S. 1003.02  
F.S. 1003.32  
F.S. 1006.07  
F.S. 1006.08  
F.S. 1006.09  
F.A.C. Chapter 28-106  
18 U.S.C. Section 921



Book	Clean
Section	5000 Students
Title	DUE PROCESS RIGHTS
Code	po5611
Status	From Neola

### 5611 - DUE PROCESS RIGHTS

FLVS recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to FLVS's disciplinary procedures.

In order that students receive appropriate due process, the FLVS Board of Trustees establishes the following regulations which FLVS shall use when dealing with students:

A. Students subject to suspension:

Prior to a suspension, a student will receive oral and written notice of the charges and an explanation of the evidence against him/her. The principal/instructional leader will hold an informal hearing to give the student an opportunity to explain his/her side of the story. An appeal may be directed to the President and Chief Executive Officer (CEO), whose decision will be final.

B. Students subject to expulsion:

A student and his/her parent or guardian will be given written notice of the principal/instructional leader's recommendation and the reasons therefor and an opportunity to meet with a representative of the CEO to answer the charges.

The student and/or his/her parent or guardian shall also be provided a brief description of the student's rights and of the hearing procedure. The FLVS Board of Trustees shall act on any recommendation for an expulsion as set forth in Board Policy.

In determining whether disciplinary action set forth in this policy is to be implemented, FLVS shall use a preponderance of evidence standard.

Further, any FLVS employee responsible for making a disciplinary determination under this policy shall retain all documents, electronically stored information (ESI), and electronic media created and/or received as part of an investigation pursuant to FLVS's records retention procedures. The documents, ESI, and electronic media retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.

The documents, ESI, and electronic media shall be retained for such time as required by law.

In addition, this statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.

© Neola 2020

Legal	F.S. 1002.20
	F.S. 1002.37
	F.S. 1006.07
	F.S. 1006.09



Book	Clean
Section	5000 Students
Title	SEARCH AND SEIZURE
Code	po5771
Status	From Neola

### 5771 - SEARCH AND SEIZURE

FLVS recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner.

To the extent applicable and if FLVS provides any storage of student possessions, then such spaces remain the property of FLVS and, in accordance with law, may be the subject of search upon reasonable suspicion that a prohibited or illegally possessed substance or object is contained therein. FLVS also authorizes the use of canines trained in detecting the presence of drugs or devices, in collaboration with law enforcement officials and upon reasonable suspicion that illegal drugs or devices may be present. It is understood that there is no expectation of privacy to prevent examination of such spaces by a school official.

School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search the person or property, including vehicles, of a student, with or without the student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction and the student's age. This authorization to search shall also apply to all situations in which the student is under the jurisdiction of FLVS.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.

Administrators are authorized to arrange for the use of a breath-test instrument for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level because FLVS has established a zero tolerance for alcohol use.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal/instructional leader who shall seek the freely offered consent of the student to the inspection. Whenever possible, a search will be conducted by the principal/instructional leader in the presence of the student and another staff member. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

The principal/instructional leader shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found; and the

disposition made of them. The principal/instructional leader shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

© Neola 2016

Legal	F.S. 901.21
	F.S. 933.07
	F.S. 1002.37
	F.S. 1006.09(9)
	Fla. Const. Art. I, Sec. 2
	U.S. Constitution, 4th Amendment



Book	Clean
Section	5000 Students
Title	WEAPONS
Code	po5772
Status	From Neola

### 5772 - WEAPONS

Pursuant to State law, FLVS prohibits students from openly carrying a handgun or carrying a concealed weapon or firearm, in a school safety zone, into any elementary or secondary school, into any administration building, as well as into any FLVS Board of Trustees (Board) meeting, any setting that is under the control and supervision of FLVS for the purpose of school activities approved and authorized by FLVS including, but not limited to, property leased, owned, or contracted for by FLVS, an FLVS-sponsored event, or in a Board owned or leased vehicle.

Weapons and firearms as defined in F.S. 790.001 and include, but are not limited to, firearms, guns of any type, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

For purposes of this policy, the term weapon also means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons.

This policy shall also encompass such actions as look-alike items, false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

The President and Chief Executive Officer (CEO) is authorized to establish administrative procedures on weapons which require students to immediately report knowledge of weapons and threats of violence by students to the building principal/instructional leader. Failure to report such knowledge may subject the student to immediate suspension and potential expulsion from school.

Exceptions to the Board's prohibition from openly carrying a handgun or carrying a concealed weapon or firearm in the school safety zone of any elementary or secondary school, into any administration building, as well as into any Board meeting, any setting that is under the control and supervision of FLVS for the purpose of school activities approved and authorized by FLVS including, but not limited to, property leased, owned, or contracted for by FLVS, any school-sponsored event, or in a Board-owned or leased vehicle include the following:

- A. A student may carry an unloaded firearm in a case to a firearms program, class, or function which has been approved in advance by the principal/instructional leader or site administrator as a program or class to which firearms could be carried.
- B. A student eighteen (18) years of age or older may carry an unloaded firearm in a case to a career center having a firearms training range.

- C. Members of the Armed Forces, National Guard, police or other licensed law enforcement officers, as well as students enrolled in any FLVS Junior ROTC Program while under the direct supervision of FLVS staff members, may possess a firearm or weapon.
- D. Items pre-approved by the principal/instructional leader as part of a class or individual presentation or a theatrical prop used under adult supervision, if used for the purpose and in the manner approved, would be an exception to this policy. (Working firearms and any ammunition will never be approved as part of a presentation.)

The CEO will refer any student who violates this policy to the student's parents or guardians and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.

The CEO shall post notices at each entrance of a school and/or school building and in areas inside the building where visitors are required to report prohibiting an individual from openly carrying a handgun or carrying a concealed weapon or firearm in a school safety zone, including schools and school buildings, on school premises and school buses, and at school activities. Such notices shall also be posted at each entrance leading into a school activity (particularly those activities held outside of the school building) and school campuses. Further, notices shall be posted in each Board-owned or leased vehicle.

© Neola 2014

Legal	F.S. 790.001
	F.S. 790.06
	F.S. 790.115
	F.S. 790.251
	F.S. 1002.37
	F.S. 1006.07
	18 U.S.C. 922
	20 U.S.C. 7151