

CHAPTER 6.00 – HUMAN RESOURCES

**EMPLOYMENT OF PERSONNEL**

**6.10\*+**

- I. All personnel shall be appointed or reappointed as prescribed by Florida Statutes and in conformance with applicable State Board of Education rules and School Board rules.
- II. The Superintendent is directed to develop appropriate employment procedures governing the recruitment, screening, selection, appointment and employment of all personnel consistent with Florida Statutes, State Board of Education rules, and federal requirements and ~~School-school~~ ~~Board-board~~ rules.

**STATUTORY AUTHORITY:** 1001.41, 1001.43(11), 1012.22, 1012.23, F.S.

**LAWS IMPLEMENTED:** 1001.42(5), 1001.43(11), 1012.22, 1012.27, 1012.32, 1012.335, 1012.39, F.S.

~~**STATE BOARD OF EDUCATION RULES:** \_\_\_\_\_ 6A-1.0502~~

**HISTORY:** **ADOPTED: 08/21/01**  
**REVISION DATE(S): 04/07/09, 10/25/11, 02/07/12**  
**FORMERLY: NEW**

**NOTES:**

**Refer To: Human Resources Procedures and  
Human Resource Management Development Manual**

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### EMPLOYMENT DEFINED

6.11

- I. Full-time. A regular full-time employee is a person who is employed for the school term or for the school fiscal year to render the minimum number of hours each day as established by the Board for that position or job.
- ii. Part-time. A part-time employee is a person who is employed to render less than the number of hours each day as established by the Board for a regular full-time employee.
- III. Temporary. A temporary employee is a person whose employment is expected to be for a limited time to fill a vacancy for which a ~~permanent~~ board-appointed employee is not available or to perform some work of a temporary nature. Such employment will cease at the close of the school term or school fiscal year or when the temporary work has been completed. A temporary employee may be a part-time or a full-time employee.

**STATUTORY AUTHORITY:** 1001.41, 1001.43(11), 1012.22, 1012.23, F.S.

**LAWS IMPLEMENTED:** 1001.43, 1012.22, F.S.

**HISTORY:** **ADOPTED: 08/21/01**  
**REVISION DATE(S):**  
**FORMERLY: 4.101**

**NOTES:**  
**Refer To: Bargaining Agreements**

NEPOTISM

6.12

I. For purposes of this Policy:

A. "Family member" is defined as an individual's spouse, parent, child, brother/sister, grandparent, grandchild, parent-in-law, sister-in-law, brother-in-law, step-child, or any other member of his/her household.

B. "Supervisor" means an individual who directly supervises an employee or that individual's direct supervisor.

I.II. During the formal screening process an applicant, who may supervise or be supervised by a ~~close relative~~family member, will be eliminated from consideration unless the family member agrees, in writing, to voluntarily transfer.

III. ~~An~~ No employee may ~~not~~ transfer to a cost center if ~~he/she may supervise or be supervised by a close relative~~his/her supervisor would be a family member, or if the employee would be a supervisor of a family member unless the family member agrees, in writing, to voluntarily transfer.

II.IV. No instructional employee or any employee who reports to a school administrator may be assigned to a school site at which a family member is an administrator.

**STATUTORY AUTHORITY:** 1001.41, 1001.43(11), 1012.22, 1012.23, F.S.

**LAWS IMPLEMENTED:** 112.3135, 1001.43, 1012.22, 1012.23 F.S.

**HISTORY:**

**ADOPTED: 08/21/01**  
**REVISION DATE(S):**  
**FORMERLY: 3.132**

**NOTES:**

**YEAR OF SERVICE DEFINED FOR ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL**

**6.13\***

- I. ~~An employee shall be granted one year of experience credit for service of one day more than one-half of his/her regular contract year. The minimum time which may be recognized as a year of service for contractual purposes shall be full-time actual service rendered under contract for more than one-half (1/2) of the number of days or twenty (20) hours or more a week required for the normal contractual period of service for the position held.~~ In determining such service, sick leave and holidays for which the employee received compensation shall be counted, but all other types of leave and holidays shall be excluded.
  
- II. Any claim to a year of service for salary purposes shall be the equivalent of the service required for a continuing, professional service, annual, or multi-year contract. Credit for service rendered in another state or as otherwise allowed under the adopted salary schedule shall be determined by using the minimum service required in the District for a comparable position and in accordance with the contract agreement between the School Board and the local education association.

**STATUTORY AUTHORITY:** 1001.41, ~~1001.43(11)~~, 1012.22, 1012.23, F.S.

**LAWS IMPLEMENTED:** ~~1000.21~~, 1001.43, 1011.60, F.S.

**HISTORY:** **ADOPTED: 08/21/01**  
**REVISION DATE(S):**  
**FORMERLY: 4.108**

**NOTES:**  
**Refer To: Human Resources Procedures Manual**

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### THE INSTRUCTIONAL STAFF

6.14\*

The instructional staff shall be composed of school-based personnel, as defined in Florida Statutes, other than administrators and school support personnel. The instructional staff shall be assigned direct responsibility for the supervision, instruction, and evaluation of students in disciplines which promote individual growth and development for becoming a member of society. Instructional staff members shall hold a valid Florida Educator's Certificate or the equivalent ~~as-if~~ prescribed by Florida Statutes and State Board of Education rules.

**STATUTORY AUTHORITY:** 1001.41, 1001.43(11), 1012.22, 1012.23, F.S.

**LAWS IMPLEMENTED:** ~~1000.21~~, 1001.43, 1012.01, 1012.32, 1012.39, 1012.53, 1012.54,  
1012.56, 1012.57, F.S.

**HISTORY:**

**ADOPTED:** 08/21/01  
**REVISION DATE(S):**  
**FORMERLY:** NEW

**NOTES:**

**Please Refer To: Human Resources Procedures Manual and  
Job Description Manual**

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### VETERANS' PREFERENCES

6.15

It is the policy of the School Board of Sarasota County to give due preference to eligible ~~Veterans~~veterans, and spouses of ~~Veterans~~veterans, in the appointment, promotion, and retention processes. This policy applies to those veterans, and spouses of veterans, who meet specifications established in state and federal law. This policy applies to all ~~School~~school ~~Board~~board ~~Appointed~~appointed positions/employees except those exempted by law including designated as Department Heads~~heads of departments. Veterans' are entitled to appointment preference once, following each period of active service. Veterans' Preference will be considered "used" once a Veteran accepts employment with a qualifying agency, whether or not the Veteran requests preference.~~ Procedurally the Board uses a non-numeric selection process to determine best-qualified applicants.

**STATUTORY AUTHORITY:**  
1012.23 F.S.

**1001.41, 1001.43(11), 1012.22,**

**LAWS IMPLEMENTED:**  
FAC.

**295.07, 55A-7**

**HISTORY:**

**Adopted: 08/19/03  
Revision Date:  
Formerly: New**

**NOTES:**

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DUAL EMPLOYMENT

6.16

~~The~~An employee will not perform any duties related to an outside job during regular working hours or during the additional time that is needed to fulfill the responsibilities of the employee's school board position; nor will an employee use ~~the~~ district facilities, equipment, or materials in performing outside work.

**STATUTORY AUTHORITY:** 1001.41, 1001.43(11), 1012.22, 1012.23, F.S.

**LAWS IMPLEMENTED:** 1001.43, 1012.22, F.S.

**HISTORY:** **ADOPTED: 08/21/01**  
**REVISION DATE(S):**  
**FORMERLY: 3.111**

**NOTES:**

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### APPOINTMENT OR EMPLOYMENT REQUIREMENTS

6.17\*

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

#### I. Qualifications

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

#### II. Certificate Requirements

Each applicant for an instructional or a certificated administrative position shall hold a certificate or shall have a receipt from the Florida Department of Education acknowledging that an application has been filed and that issuance of the certificate is pending.

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

#### III. Interviews and Appointments

- A. When interviews are conducted by interview teams, including those with community representatives, the team shall reasonably reflect the District's diverse racial, ethnic, and gender composition.



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

### IV. Driving Record

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

### V. Criminal Background Check

#### A. Initial Employment

1. Any offer of employment with the School District is conditioned on submission of fingerprints as required by Florida Statute and a background investigation by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). After a job offer, but prior to beginning employment with the District, all candidates for all positions must undergo a criminal and employment background check to determine suitability for employment. The application for employment shall inform applicants they are subject to criminal background checks, and advise applicants that failure to be truthful on the application about prior criminal history will be grounds for ineligibility or dismissal from employment.
2. As a condition of employment and prior to beginning work, an applicant who has received a conditional job offer must file a complete set of fingerprints taken by an employee of the District trained to take fingerprints. The fingerprints shall be processed by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). The applicant shall be required to pay for full costs of processing at the time of fingerprinting.
3. The Superintendent or designee shall conduct employment history checks of applicants for instructional, administrative or any other positions requiring direct contact with students. The employment

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history check shall include, but not be limited to, screening through the use of educator screening tools described in law and contact with ~~each~~ the applicant's previous employer. All findings shall be documented. If the Superintendent is unable to contact a previous employer, he/she shall document all efforts to contact the previous employer.

4. No applicant who has received a conditional job offer shall begin work before his/her fingerprints are processed, the criminal and pre-employment investigation is completed, and a determination is rendered as to suitability for employment.
5. Based upon the facts of an application, criminal background check or other valid or reliable data sources, applicants who are, or have been convicted of certain serious offenses may be denied employment by the School District. As used in this section the term conviction is defined as a finding of guilt, a plea of guilty, ~~or~~ a plea of *nolo contendere*, or a verdict of guilty. The withholding of adjudication or the entry of an order sealing or expunging the record requiring a pre-trial intervention or pre-trial diversion shall not be considered an exception to this section. Other information derived from the pre-employment investigation, which indicates the applicant may not be suitable for employment by the School District, may be grounds for denying employment to an applicant.
6. An applicant shall be disqualified from employment in any position requiring direct contact with students if he/she is ineligible for employment under 1012.315, F.S.
7. Any instructional or non-instructional person under contract to the School District to operate student programs, student teachers, persons participating in short-term teacher assistance experiences or field experiences who have direct contact with students must meet the requirements of V.A.1., 2., 3 and 4.

### B. Current Employees

1. Whenever a personnel investigation of a complaint against an employee is required, a criminal background check may be conducted as part of the investigation.
2. If it is discovered during the period of employment that a regular employee has a prior criminal record and that the employee was requested to provide this information at the time of hire, but did not do so, the employee may be subject to disciplinary action, including dismissal for submitting false information on the employment application, or otherwise having misled the District.
3. If it is discovered during the period of employment that an employee has a prior criminal record and no falsification of an application nor attempt to mislead occurred, the record shall be reviewed by the ~~Director of Personnel~~ Staffing Administrator. The ~~Director of Personnel~~ Staffing Administrator shall consider all information, including any mitigating conditions, and report findings of fact, possible mitigating circumstances and recommendations for

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action to the Superintendent. The employee shall have the opportunity to respond in writing to the findings and recommendation. The Superintendent shall review the record, recommendation and response before taking appropriate action. Appeal of the Superintendent's action shall follow collective bargaining agreements or ~~School school Board board Policy~~ Policy, as appropriate.

4. Instructional personnel and non-instructional or contractual personnel who have direct contact with students or have access to or control of school funds must meet the screening requirements described in law every five (5) years. Personnel whose fingerprints have not been maintained by the Department of Law Enforcement are required to be refingerprinted.
5. An employee whose criminal record after employment would disqualify him/her from employment shall be subject to disciplinary action up to and including termination.

### VI. Physical Examinations

Each new employee will file completed medical examination forms prior to his/her start of employment.

### VI. Pre-employment Drug Testing

- A. Purpose - The intent of this policy is to implement pre-employment substance screening in an effort to further eliminate substance abuse and its effects in the classroom and offices. While the School Board ~~of Sarasota County, Florida (the "School Board")~~, has no intention of intruding into the private lives of its future employees, involvement with drugs can reasonably be expected to produce impaired job performance and pose a threat to employee and student safety. ~~Our The School Board's purpose in requiring this screening is to take reasonable action to insure its concern is that~~ future employees are in a condition to perform their duties safely and efficiently, in the best interest of their students and co-workers. This policy applies to all applicants for ~~administrative, instructional and classroom aide~~ positions with the School Board. This policy applies to all substances; drugs; or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job. All persons covered by this policy should be aware that violations of the policy may result in not being hired.
- B. Procedures - ~~Applicants for administrative, instructional and classroom aide positions:~~ ~~p~~Pre-employment drug screening will be required for applicants of all ~~administrative, instructional and classroom aide~~ positions prior to, and as a condition of, final employment with the School Board. The term *applicant* refers to a person who has applied for an administrative, instructional or classroom aide position with the School Board, and has been offered employment conditioned upon successfully passing a drug test. Temporary ~~part-time~~ instructors employed to teach

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courses through Adult and Vocational Education are exempt from the requirement of this policy.

1. Applicants will be referred to a School Board approved, independent, certified collection site. Applicants must complete and present a signed and witnessed authorization for substance screening form to the Human Resources Department. The School Board will not accept results from any laboratory or collection and testing procedures are set forth in the *Applicant Handbook* on file in the Human Resources Department.
  2. It will be the responsibility of the applicant to pay for any and all costs related to these tests.
  3. A positive result from a drug analysis will result in the applicant not being hired unless the applicant can produce verification of a valid current prescription for the drug identified in the drug screen.
  4. Within five (5) working days after receiving notice of a positive confirmed test result, the applicant shall be allowed to submit written information explaining or contesting the test results. If the applicant's explanation is unsatisfactory, the Human Resources Department shall provide a written explanation as to why, along with a copy of the report of positive results, within fifteen (15) working days of receipt of explanation or challenge. All such documentation shall be kept confidential by the School Board and shall be retained for at least one year.
  5. In the absence of a valid current prescription, or the ability to provide evidence to satisfactorily explain the test results, applicants testing positive will not be eligible for employment with the School Board for one year from the date of the drug screen results that are received by the School Board.
  6. Refusal to submit to a drug screening will be grounds to refuse to hire the applicant.
- C. Confidentiality - Laboratory results or test results shall not appear in an employee's general personnel records. Information of this nature will be contained in a separate medical file that will be appropriately maintained by the Executive Director of Human Resources. The reports or test results may be disclosed to School Board administrators on a strictly need-to-know basis and to the tested employee upon request. Disclosures without employee consent may also occur when:
1. The information is compelled by law or by judicial or administrative process;
  2. The information has been placed at issue in a formal dispute between the employer and employee;
  3. The information is to be used in administering an employee benefit plan; and
  4. The information is needed by medical personnel for the diagnosis or treatment of the employee in the event the employee is unable to authorize disclosure.

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**STATUTORY AUTHORITY:** 1001.41, 1001.43(11), 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** ~~384.0056~~, 440.102, 1001.42, 1001.43, 1012.01, 1012.22,  
1012.27, 1012.315, 1012.32, 1012.39,  
1012.465, 1012.55, 1012.56, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-3.0141

**HISTORY:** **ADOPTED:** 08/21/01  
**REVISION DATE(S):** 03/01/05, 06/05/07, 04/07/09  
**FORMERLY:** 3.107, 4.102, 4.104,  
4.105, 4.123, 4.133, 4.134,  
5.102, 5.103, 5.107, 5.201

**NOTES:**  
Refer To: Human Resources Procedures Manual

<b>CONTRACTS: INSTRUCTIONAL AND ADMINISTRATIVE PERSONNEL</b>	<b>6.18*</b>
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- I. Any person employed as a member of the instructional staff shall hold a valid Florida Teaching Certificate or professional license except as noted elsewhere in policy. Any person employed as an administrator shall meet those qualifications as enumerated in the Board adopted job description. All instructional and administrative staff shall be entitled to and shall enter into a written contract with the School Board as provided by law. All contracts shall be on forms prescribed by the Commissioner of Education. Any member of the instructional or administrative staff who is willfully absent from duty without leave shall forfeit compensation for the time absent, and his/her contract shall be subject to cancellation by the Board.

A. Contracts with Instructional Staff

1. Each member of the instructional staff shall receive a contract in accordance with the provisions of law. The contracts shall be in accordance with the duly adopted salary schedule(s) of the Board and shall be for a definite term of service. A true signed copy shall be retained by the Board in the office of the Superintendent.
2. A probationary contract for one (1) school year shall be awarded upon initial employment in the District regardless of previous employment in the District, in another district or in another state.

B. Contracts with Administrative Staff

Initial employment of ~~a supervisor~~ an administrator with the Sarasota County School Board shall be for one year or the remainder of the school year, whichever is shorter. The first 97 days of an initial contract is a probationary contract. Any contract renewal shall be on an annual contract basis. After successful completion of the probationary two year contract, a principal or supervisor may be granted a second two year contract with a year roll over provision to begin after the third successive year of service, thereby allowing a two-year duration to be in effect.

- II. A contract year for principals, other school site administrators and instructional personnel may not exceed ten (10) calendar months of service unless otherwise approved by the School Board.

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**STATUTORY AUTHORITY:** 1001.41, 1002.43(11), 1012.22, 1012.23, F.S.

**LAWS IMPLEMENTED:** ~~120.57~~, 1001.43, 1011.60, 1012.22, 1012.32,  
1012.33, 1012.335, 1012.34, 1012.56, F.S.

**STATE BOARD OF EDUCATION RULE:** 6A-1.0502, 6A-1.064

**HISTORY:** ADOPTED: 08/21/01  
REVISION DATE(S): 09/01/09, 02/07/12  
FORMERLY: 4.109, 4.110

**NOTES:**  
Refer To: Bargaining Agreement and  
Job Descriptions

## CHAPTER 6.00 - HUMAN RESOURCES

### IDENTIFICATION

6.19

- I. School district employees shall wear their official staff identification badge in a visible manner at all times when on school district property.
- II. School district employees who have been issued an identification badge but fail to wear the badge in a visible manner while on school district property may be requested to leave the site and the violation of policy reported to the individual's administrator.

**STATUTORY AUTHORITY:**  
1001.43(11) F.S.

**1001.41, 1001.42,**

**LAWS IMPLEMENTED:**

**HISTORY:**

**Adopted: 10/07/03**  
**Revision Date(s):**  
**Formerly: New**

**NOTES:**



## CHAPTER 6.00 - HUMAN RESOURCES

### CERTIFICATION OF ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL

6.20\*

No person shall be employed or continued in employment if he/she does not hold or is ineligible to hold a Florida Educator's Certificate, a local certificate, or a certificate issued by a Florida school district that has a reciprocal agreement with the School District or holds a professional license. Provided, however, a person may be employed under emergency conditions, pursuant to Florida Statutes, or may qualify as non-certificated instructional personnel pursuant to School-school Board-board rules. The staff member shall be responsible for maintaining a valid certificate. The staff member shall register his/her certificate and each certificate reissuance or renewal in the District office as soon as the Department of Education issues the new validity period on the certificate.

- I. The Superintendent shall designate a certification contact person to work directly with the Bureau of Teacher Certification, Florida Department of Education, to assist personnel with certification issues.
- II. An individual nominated for an instructional position shall be properly certificated, be eligible for certification, meet conditions prescribed in State Board of Education rules or qualify for employment or re-employment as a non-degreed vocational education or adult education teacher based on School-school Board-board rules.

**STATUTORY AUTHORITY:** 1001.41, 1001.43(11), 1012.22, 1012.23, F.S.

**LAWS IMPLEMENTED:** 1001.43, 1011.60, 1012.24, 1012.54, 1012.55, 1012.56, 1012.57, F.S.

**STATE BOARD OF EDUCATION RULES:** ~~6A-1.0501~~, 6A-1.0502, 6A-1.0503

**HISTORY:** **ADOPTED: 08/21/01**  
**REVISION DATE(S):**  
**FORMERLY: 4.103, 4.104, 4.106**

**NOTES:**

**Refer To: Human Resources Procedures Manual**

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### DISTRICT CERTIFICATES

6.21\*

The School Board authorizes issuance of School District Certificates to substitute teachers, part-time adult education teachers, and full-time and part-time non-degreed vocational education teachers. The fields of certification shall be specified in the *Qualifications for Employment of Non-degreed Full-time and Part-time Vocational and Part-time Adult Instructional Personnel Manual*. Each certificate shall bear an effective date of July 1 of the school fiscal year for which it is issued and shall expire on June 30.

- I. The Substitute Certificate shall be valid for five (5) school fiscal years and shall be issued to an individual who meets criteria established for employment in the School Board ~~Rule-Policy~~ entitled "Substitute Teachers."
  - A. To re-issue a valid ~~Substitute-substitute Certificatecertificate~~, an individual shall submit an application form to the Department of Human Resources.
  - B. To re-issue an expired ~~Substitute-substitute Certificatecertificate~~, an individual shall submit, to the Department of Human Resources, an application form and a complete set of fingerprints taken by a law enforcement agency or properly trained ~~District-district~~ personnel to obtain a records check by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). The fingerprint processing fee shall be paid by the individual.
- II. The following types of ~~Fullfull-time Certificates-certificates~~ shall be issued at the non-degreed vocational level.
  - A. Non-degreed instructional personnel will be issued a two-year (2) ~~Temporary-temporary Certificate-certificate~~ upon receipt of fingerprint clearance from the FDLE and FBI and completion of all certification requirements established by the Department of Human Resources.
  - B. A five (5) year Professional Certificate will be issued when all requirements have been completed as specified for a Professional Services Contract.
  - C. To re-issue a valid ~~Professional-professional Certificatecertificate~~, official transcripts must be filed with the appropriate renewal form showing six (6) semester hours of college credit which includes three (3) semester hours specific to each area on the certificate. One hundred twenty (120) ~~Inservice-inservice Points-points~~ shall be considered equivalent.

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**STATUTORY AUTHORITY:** 1001.41, 1001.43(11), 1012.22, 1012.23, F.S.

**LAWS IMPLEMENTED:** 1001.43, 1012.32, 1012.39, F.S.

**STATE BOARD OF EDUCATION RULE:** 6A-1.0502

**HISTORY:** ADOPTED: 06/21/01  
REVISION DATE(S):  
FORMERLY: NEW

**NOTES:**  
Refer To: Human Resources Procedures Manual

**TEACHING OUT-OF-FIELD**

**6.22+**

- I. The employment or assignment of out-of-field teachers may occur when a qualified and appropriately certificated teacher is unavailable. Any teacher who is employed or assigned out-of-field shall be required to satisfy the course credit requirement in State Board of Education Rule 6A-1.0503 if he / she is appointed in a subsequent school year(s). The deadline for earning the six (6) semester hours of college credit or equivalent in the appropriate field shall be one (1) calendar year from the date of initial appointment to the out-of-field teaching assignment.
- II. Each principal shall report to the Superintendent any teacher who is assigned to teach a subject(s) for which he/she is not properly certificated. Such reports shall be filed at the beginning of each school year, or if changes occur thereafter, and shall include the following information: teacher’s name, the certificate area(s) on the Florida Educator Certificate, the out-of-field assignment and the justification. The School Board’s minutes shall reflect such approvals.
- III. The District shall report out-of-field teachers on the District website within thirty (30) days before the beginning of each semester and the parents of all students in the class shall be notified in writing of such assignment.
- IV. The ~~superintendent~~ Superintendent shall recommend and the Board shall adopt a plan to assist ~~such any~~ teacher teaching out-of-field.

**STATUTORY AUTHORITY:** 1001.41, 1001.43(11), 1012.22, 1012.23, F.S.

**LAWS IMPLEMENTED:** 1001.43, 1012.42, 1012.55, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-1.0503

**HISTORY:** **ADOPTED: 08/21/01**  
**REVISION DATE(S): 02/07/17**  
**FORMERLY: NEW**

**NOTES:**  
**Refer To: Instructional Bargaining Agreement**

**VERIFICATION FOR “IN-FIELD” TEACHER WITHOUT THE DESIGNATED COURSE CODE CERTIFICATION**

**6.23**

~~The district maintains a commitment to maintaining a high quality workforce.~~

~~I. Teachers may be determined to have “expertise” in a subject area and be considered “in-field” without the designated course code certification when one of the following requirements has been met:~~

~~A. The teacher has a major or minor in the subject area assignment as reflected on the official transcript or as verified in writing by the college or university.~~

~~B. The teacher has been teaching out of field in the same subject area for the district for at least two years, has completed at least 6 semester hours each year of the courses required for certification in that area, and has received effective evaluations base on the principal’s observations of classroom performance.~~

~~C. The teacher provides official documentation of passing the subject area exam for the out of field assignment and has completed two years of successful teaching experience in any assignment.~~

~~NOTE: This policy does not apply to an ESOL assignment.~~

~~STATUTORY AUTHORITY: 1012.42, F.S.~~

~~LAWS IMPLEMENTED:~~

~~HISTORY: ADOPTED: 08/21/01~~

~~REVISION DATE(S):~~

~~FORMERLY: 4.136~~

**NOTES:**

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PROFESSIONAL ETHICS

6.27\*

- I. An effective educational program requires the services of personnel of integrity, high ideals, and human understanding. All employees shall be expected to maintain and promote these qualities. The Board shall also expect all administrative, instructional and support staff members to adhere to the *Principles of Professional Conduct for the Education Profession in Florida*.
- II. Administrative and instructional personnel, as defined by Florida Statute, shall be required to complete training on these ethical standards. All other employees shall be encouraged to participate in training related to professional ethics.
- III. The Superintendent and School Board members shall complete annual ethics training as required by law.
- IV. All employees shall be responsible for reporting misconduct by ~~School~~ school Board-board employees that affects the health, safety or welfare of a student.

**STATUTORY AUTHORITY:**  
1001.43(11), F.S.

~~1001.41, 1001.42,~~

**LAW(S) IMPLEMENTED:**

112.313, 112.3142, 1001.42, ~~1012.01,~~  
1012.22, 1012.27, 1012.796, F.S.

**STATE BOARD OF EDUCATION RULE(S):**

6A-10.081

**HISTORY:**

**ADOPTED: 04/07/09**  
**REVISION DATE(S): 04/15/14, 05/25/16**  
**FORMERLY: NEW**

**NOTES:**

**6.27\***

**Revised: 03/23/16**

## CHAPTER 6.00 – HUMAN RESOURCES

### ANTI-FRAUD

6.28

The School Board of Sarasota County is committed to protecting its financial resources, property, information and other assets. The School Board will not tolerate the commission of fraud or the concealment of fraud by any employee.

#### I. Purpose

The purpose of this policy is to establish certain principles for, and expectations of, ~~School-school~~ ~~Board-board~~ employees in order to prevent fraud, provide for the investigation of suspected fraud, provide for consequences for engaging in any manner of fraud, and to heighten awareness of possible fraud.

#### II. Definition

##### A. Fraud includes, but is not limited to,

1. Knowingly misrepresenting a fact;
2. The concealment of a fact or information by an employee for the personal benefit of an employee or other person;
3. The inducement of another by an employee to act to his/her detriment when done within the scope of a person's employment by the School Board; or
4. The submittal of false or fabricated documentation or information, regardless of the manner or mode by which the submittal or communication is made, in order to receive a benefit or in response to any lawful inquiry by a supervisor or other appropriate ~~District~~ district official.

##### B. Actions constituting fraud include, but are not limited to,

1. Falsification or unauthorized alteration of ~~School-school~~ ~~Boardboard~~, ~~School-school~~ ~~Districtdistrict~~, state, or other official or governmental document, in the course and scope of employment by the School Board or in connection with employment by the School Board, regardless of the manner in which the document is stored, maintained, or generated, including, but not limited to,
  - a. Claims for payments or reimbursements – including, but not limited to submitting false claims for travel or overtime;
  - b. Absence(s) from the worksite request(s) – including, but not limited to Temporary Duty Elsewhere, Sick Leave, Sick Leave Bank Benefit Application, misuse of sick leave, or the like;
  - c. Any school, ~~School-school~~ ~~Districtdistrict~~, or ~~School-school~~ ~~Board-board~~ file, record (either physical, electronic, photographic, audio or other form of storage);
  - d. Checks, bank drafts, any other financial documents, or financial records;



## CHAPTER 6.00 – HUMAN RESOURCES

- e. Student records;
  - f. Maintenance records;
  - g. Fire, health and safety reports;
  - h. Professional certification, licensure, or educational degree or evidence of any academic honor or achievement;
  - i. Any other ~~School-school Boardboard~~, ~~School-school Districtdistrict~~, school record, or employment related document of any kind whatsoever; or
  - j. Submittal of false or fabricated documents or documentation in support of any claim for any benefit.
2. Submittal of false or misleading information in support of a claim of benefit, regardless of the manner or mode of communication including, but not limited to, a telephonic notification to the appropriate cost center, personally or through a third party, of illness in order to avoid an absence without leave status for failure to report to or remain on duty.
  3. Accepting or offering a bribe, gifts, or other favors under circumstances that indicate that the gift or favor was intended to influence an employee's decision-making.
  4. Disclosing to other persons the purchasing/bidding activities engaged in or contemplated by the School Board in order to give any entity, person or business an unfair advantage in the bid process.
  5. Causing the School Board to pay excessive prices or fees where justification is not documented.
  6. Unauthorized destruction, theft, tampering or removal of records, furniture, fixtures or equipment.
  7. Use of ~~School-school Boardboard~~, ~~School-school Districtdistrict~~, or school equipment or work time for any outside private or personal business activity.

### III. Application

This policy applies to any fraud, suspected or observed, involving any ~~School school Board-board~~ or ~~School-school District-district~~ employee, persons employed on OPS status, substitute teachers, volunteers, members or employees of any direct support organization, and any other persons or parties in a position to commit fraud on the School Board, regardless of the suspected wrongdoer's length of service or position/title, office, or relationship with the School Board, School District, or any ~~District-district~~ school.

### IV. Reporting Procedures

- A. Any known or suspected fraud shall be reported immediately to the Superintendent. If the allegation involves the Superintendent, the report shall be made to the General Counsel. The obligation to report fraud includes instances where an employee knew or should have known that an incident of fraud occurred.

## CHAPTER 6.00 – HUMAN RESOURCES

- B. Failure to report fraud shall be grounds for discipline, including termination and reporting to the Professional Practices Services within the Florida Department of Education, as required by law.
- C. A false or malicious allegation of fraud is a violation of this procedure and shall be grounds for disciplinary action up to and including termination.

### V. Investigation Responsibilities

- A. Upon receipt of a written report of fraud, the Superintendent through his or her designee shall determine whether pursuit of an investigation is warranted and, if so, cause an investigation to commence. The investigation shall follow the same procedures as investigations for employee misconduct.
- B. If the investigation reveals that fraudulent activities have occurred, decisions for referral to appropriate law enforcement and/or regulatory agencies for independent investigation shall be made in conjunction with the Superintendent, legal counsel and members of management, as will final decisions on dispositions of each case.

### VI. Confidentiality

- A. Great care shall be taken in the investigation of allegations of fraudulent activity. Unauthorized individuals shall not attempt to personally conduct investigations or interviews related to claims of fraudulent activity. Individuals shall not discuss the case, facts, suspicions, or allegations with anyone inside or outside the ~~school~~ School District unless specifically asked to do so by the investigating authority or legal directive.
- B. To avoid incurring damage to an individual's reputation and to protect the District from potential civil liability, the results of investigations conducted by the District shall not be discussed or disclosed with anyone other than those persons directly associated with the case(s) who have a legitimate need to know in order to perform his/her duties and responsibilities.
- C. Upon the conclusion of the preliminary investigation or at such time as the preliminary investigation ceases to be active, the complaint and all such materials shall be open thereafter to inspection pursuant to Florida Statutes sections 119.07(1) and 1012.31.

### VII. Consequences

Violation of this policy may result in termination or some lesser penalty including, but not limited to, suspension without pay or reprimand.

### VIII. Employee Education

## CHAPTER 6.00 – HUMAN RESOURCES

- A. All employees will be required to sign a statement indicating that they have read and understand this policy.
- B. This policy will be reviewed with all new employees at the required new employee orientation session and all new employees will sign a statement indicating that they have read and understand this policy.
- C. A copy of this policy shall be placed in all paper and electronic versions of the employee handbook.

**STATUTORY AUTHORITY:** ~~1001.32~~, 1001.41(2), 1001.42, 1001.43, F.S.

**LAW(S) IMPLEMENTED:** 119.07, 119.071, 1001.42, 1001.421, 1001.43, F.S.

**HISTORY:**

**ADOPTED:** 03/16/10  
**REVISION DATE(S):** 10/25/11, 02/07/12  
**FORMERLY:** NEW

**NOTES:**

## CHAPTER 6.00 – HUMAN RESOURCES

### REPORT OF MISCONDUCT

6.29\*

The School District of Sarasota County shall adhere to all requirements related to employee misconduct that affects the health, safety or welfare of a student.

#### I. Mandatory Reporting of Misconduct

It is the duty of all employees to report to the Superintendent alleged misconduct by any ~~School-school Board-board~~ employee that affects the health, safety or welfare of a student including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student. Failure of an employee to report such misconduct shall result in disciplinary action.

#### II. Investigation

The Superintendent shall immediately investigate any allegation of misconduct by an employee that affects the health, safety or welfare of a student.

- A. An employee who is alleged to have committed such misconduct shall be reassigned to a position not requiring direct contact with students pending the outcome of the investigation.
- B. Information related to the alleged misconduct shall be considered confidential until the investigation is concluded with a finding to proceed or not to proceed with disciplinary action or charges and the subject of the complaint has been notified of the finding.
- C. The Superintendent shall report alleged misconduct to the Department of Education as required by Florida Statutes.
- D. The Superintendent, or his/her designee, shall notify the parents of a student affected by an educator's violation of the District's standards of ethical conduct. This notice must be provided to the parent within thirty (30) days of knowledge of the incident and inform the parent of:

1. The nature of the misconduct;

2. If the District reported the misconduct to the Department of Education in accordance with Section 1012.796, Florida Statutes;

3. The sanctions imposed against the employee, if any; and

4. The support the school district will make available to the student in response to the employee's misconduct.

#### III. Legally Sufficient Complaint

## CHAPTER 6.00 – HUMAN RESOURCES

The Superintendent shall file any legally sufficient complaint with the Department of Education within thirty (30) days after the date the District became aware of the subject matter of the complaint. A complaint is considered to be legally sufficient if it contains ultimate facts that show that an instructional or administrative employee has committed a violation as provided in 1012.795, F.S. and defined by State Board of Education rule.

### IV. Resignation or Retirement in Lieu of Termination

If an instructional or administrative employee resigns or retires in lieu of termination for misconduct that affects the health, safety or welfare of a student, the Superintendent shall report the misconduct to the Department of Education as required.

### V. Employment Reference

A representative of the School District shall not provide an employment reference or discuss the performance of an employee with a prospective employer in an educational setting without disclosing the person's misconduct that affected the health, safety or welfare of a student. A ~~District~~-district official shall not enter into any confidentiality agreement regarding terminated or dismissed personnel or personnel who resigned or retired in lieu of termination.

### VI. Notification

The policies and procedures for reporting alleged misconduct by employees that affects the health, safety or welfare of a student shall be posted in a prominent place at each school and on each school's website. The notice shall include the name of the person to whom the report is made and the consequences for misconduct.

### VII. Protection from Liability

- A. Any individual who reports in good faith any act of child abuse, abandonment or neglect to the Department of Children and Family Services or any law enforcement agency shall be immune from any civil or criminal liability that might result from such action.
- B. An employer who discloses information about a current or former employee to a prospective employer, at the employee's request or at the prospective employer's request, shall be immune from civil liability for such disclosure as provided by Florida Statute.

### VIII. False or Incorrect Report

The Superintendent, a ~~Board~~-board member or any ~~District~~-district official shall not sign and/or transmit any report regarding employee misconduct to a state official

**CHAPTER 6.00 – HUMAN RESOURCES**

that he/she knows to be false or incorrect. An individual who knowingly makes a false or incorrect report shall be subject to disciplinary action as prescribed by Florida Statute.

**STATUTORY AUTHORITY:** 1001.41(2), 1001.42(6), 1001.43(11), F.S.

**LAW(S) IMPLEMENTED:** 39.203, 112.313, 119.071, 768.095,  
1001.42(6)(7), 1006.061, 1012.01, 1012.22, 1012.27,  
1012.795, 1012.796, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-10.081

**NOTES:** **ADOPTED: 05/05/09**  
**REVISION DATE(S): 04/15/14, 05/25/16**  
**FORMERLY: NEW**

**NOTES:**

## CHAPTER 6.00 – PERSONNEL

### VIOLETION OF LOCAL, STATE, AND/OR FEDERAL LAWS

6.30

- I. Anyone known to be violating a local, state, and/or federal law on School Board property or at a school function will be subject to referral for prosecution to the appropriate law enforcement agency. The referral process will be subject to Florida Statutes and School Board rules.
- II. Any employee in violation of the reporting requirements of this policy may be subject to disciplinary action by the ~~superintendent~~ Superintendent or School Board up to or including dismissal.
- III. ~~As required by the provisions of State Board of Education Rule 6A-10.081, the Principles of Professional Conduct for the Education Profession in Florida, a professional~~ Any employee is required to self-report within forty-eight (48) hours to the Executive Director of Human Resources any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, self-reporting shall also be required for any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or *nolo contendere* for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment.
- IV. It is the duty of all employees to report to the Superintendent any misconduct by any ~~School-school Board-board~~ employee that affects the health, safety or welfare of a student in accordance with School Board policy.
- V. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of sections 943.0585(4)(c) and 943.059(4)(c), Florida Statutes.

**STATUTORY AUTHORITY:** 1001.41(2), 1001.42(6), 1012.22, 1012.23, F.S.

**LAWS IMPLEMENTED:** 887.13, 943.0585(4)(c), 943.059(4)(c), 1001.41, 1001.42(6), 1001.43, 1006.145, 1012.22, 1012.27, F.S.

**STATE BOARD OF EDUCATION RULES:** 6A-10.081

**HISTORY:** **ADOPTED: 08/21/01**  
**REVISION DATE(S): 09/16/03, 05/05/09, 05/25/16**  
**FORMERLY: NEW**

**NOTES:**  
**Refer To: Human Resources Procedures Manual**

CHAPTER 6.00 – HUMAN RESOURCES

**RECORDS AND REPORTS**

**6.31\*+**

All ~~School-school~~ ~~Board-board~~ employees shall faithfully and accurately maintain records and file reports as may be required by Florida Statutes, State Board of Education rules, and School Board rules, or as the Superintendent may deem necessary for the effective administration of the ~~District-district~~ school system. Such records shall include student attendance, property inventory, personnel, school funds and other types of information. Reports shall be submitted on forms prescribed for such purposes at designated intervals or on specified dates. All such reports shall be filed by the designated time. The Superintendent may withhold any salary warrants until the required report is submitted in acceptable form. School ~~Board-board~~ employees who resign shall receive the final salary warrant when all reports are current and officially checked.

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

**LAWS IMPLEMENTED:** 1001.43, 1012.22, 1012.53, F.S.

**HISTORY:** ADOPTED: 08/21/03  
REVISION DATE(S):  
FORMERLY: 3.104

**NOTES:**  
Refer To: Human Resources Procedures Manual



**TELEPHONE CALLS, ELECTRONIC COMMUNICATIONS AND FACSIMILES**

**6.32+**

District communication equipment shall be used for designated purposes and shall not be used for personal or non-school purposes.

- I. An employee shall not make a personal long distance call or send a facsimile or other electronic transmission at ~~School-school~~ Board-board expense. An employee who violates this rule shall be required to pay for the call or facsimile. Such action shall be reported to the Superintendent at the principal or ~~District~~ district department head's discretion.
- II. All long distance telephone calls, facsimiles, or other electronic transmissions that relate to extracurricular activities of the school, including athletics, shall be paid from the school's internal funds collected for the specific activity.
- III. Prior authorization for all long distance calls and facsimiles shall be given by the principal or ~~District~~ district department head.
- IV. Any long distance telephone call made by a ~~School-school~~ Board-board member which is charged to the ~~District~~ district office shall be paid by the ~~School-school~~ Board-board, provided the purpose of the call was to conduct ~~School-school~~ Board-board business.
- V. The principal or ~~District~~ district department head shall review telephone and facsimile bills and shall refer excessive or questionable bills to the Superintendent or designee for consideration.
- VI. The expenditure of public funds for cellular phones or service, personal digital assistants (PDAs), or other mobile wireless communication devices or service shall be consistent with the provisions of Florida Statutes.

**STATUTORY AUTHORITY:** 1001.41, 1001.43(11), 1012.22, 1012.23, F.S.

**LAWS IMPLEMENTED:** 1001.43, 1011.09, 1012.22, F.S.

**HISTORY:** ADOPTED: 08/21/03  
 REVISION DATE(S): 09/01/09  
 FORMERLY: NEW

**NOTES:**  
 Refer To: ~~Technology and Information Services Manual~~ Sarasota County Schools Acceptable Use Policy

## CHAPTER 6.00 – PERSONNEL

### ALCOHOL AND DRUG-FREE WORKPLACE

6.33

- I. No employee shall possess, consume or sell alcoholic beverages or be under the influence of alcohol on the job or in the workplace.
- II. No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of, on the job or in the workplace, any narcotic, drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined in the Controlled Substances Act (21 USC 812) and as further defined by regulations at 21 CFR 1300 or Florida Statutes, Chapter 893, without a valid prescription.
- III. The appropriate use of legally prescribed drugs and nonprescription medication is not prohibited. However, it is the employee's responsibility to inform the physician of the employee's job duties and to ask the prescribing physician to determine whether or not the prescribed drug may impair the employee's job performance. It is the employee's responsibility to remove himself/herself from service if unfit for duty.
- IV. An employee in a safety sensitive position must obtain a written release from the prescribing physician if he/she has prescribed any substance that carries a warning label indicating that mental functioning, motor skills or judgment may be adversely affected. The release must state that the employee is able to perform safety sensitive functions.
- V. *Workplace* is defined as the site for the performance of work done in connection with the duties of an employee of the School Board. That term includes any place where the work of the School District is performed, including a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; or off-school property during any school-sponsored or school-approved activity, event or function, such as a field trip, workshop or athletic event.
- VI. As a condition of employment, each employee will
  - A. Abide by the terms of this policy, and
  - B. Notify the Superintendent of any criminal drug statute arrest or conviction for a violation occurring on the premises of the School Board, at the workplace, or during the conduct of any official activity related to the School Board within forty-eight (48) hours. Professional employees must be in compliance with Policy 6.30, section II.
- VII. The School Board shall

## CHAPTER 6.00 – PERSONNEL

- A. Notify the appropriate agency within ten (10) days after receiving such notice from an employee or otherwise receiving actual notice of such conviction; and,
  - B. Take one of the following actions, within thirty (30) days of receiving such notice, with respect to any employee who is so convicted:
    - 1. Require such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency; or,
    - 2. If the employee fails to participate satisfactorily in such program, the employee may be nonrenewed or his or her employment may be suspended or terminated, at the discretion of the School Board; or,
    - 3. Take appropriate personnel action against such an employee, up to and including termination.
  - C. Offer assistance and information on drug abuse in order to maintain an alcohol and a drug-free workplace. Employee assistance will be available through the Human Resources Department and the Employee Assistance Program. The School Board shall also conduct periodic workshops on drug and alcohol abuse in the workplace to inform employees and supervisors of the dangers of substance abuse and of the provisions in this policy.
- VI. Drug and/or alcohol testing will be conducted for employees under the following circumstances:
- A. An employee may be subject to drug testing based on a reasonable belief that he/she is using or has used drugs in violation of the Drug-free Workplace policy.

**STATUTORY AUTHORITY:** 893.01, 1001.41, 1012.22, 1012.23, 1012.27, F.S.

**LAW(S) IMPLEMENTED:** 440.102, 1001.41, 1001.43, 1012.795, F.S.  
DRUG FREE WORKPLACE ACT OF 1988,  
34 CFR PART 85, SUBPART F

**HISTORY:** ADOPTED: 08/21/01  
REVISION DATE(S): 01/12/07, 10/06/09, 09/06/16  
FORMERLY: NEW

**NOTES:**  
Refer To: Employee Handbook

# CHAPTER 6.00 – PERSONNEL

## CHAPTER 6.00 – HUMAN RESOURCES

### POLITICAL ACTIVITIES OF EMPLOYEES

6.34

- I. School Board employees shall not ~~participate in any political campaign for an elective office while on duty solicit support of any political candidate, partisan or non-partisan, during regular work hours.~~
- II. A School Board employee who offers himself/herself as a candidate for public office shall notify the Superintendent immediately upon qualifying for election. He/she shall conduct his/her campaign so as not to interfere with his/her responsibilities.
  - A. Personal leave without pay may be taken during the campaign period.
  - B. Such candidate shall adhere strictly to Florida Statutes governing political activity on the part of public officials and public employees.
  - C. A successful candidate for an office requiring a part-time responsibility shall report immediately to the Superintendent after the election and thereafter, when deemed necessary by the Superintendent or School Board, to evaluate the compatibility of the dual responsibility and the need for personal leave without pay.

#### STATUTORY AUTHORITY:

**1001.41, 1012.22, 1012.23, F.S.**

#### LAWS IMPLEMENTED:

**104.31, 106.15, 1001.43, F.S.**

#### HISTORY:

**ADOPTED: 08/21/03  
REVISION DATE(S):  
FORMERLY: NEW**

#### NOTES:

**Refer To: Employee Handbook**

CHAPTER 6.00 – HUMAN RESOURCES

GRIEVANCE PROCEDURE FOR PERSONNEL

6.35\*

Whenever an employee feels that he/she has a complaint, every effort is to be made to arrive at a satisfactory resolution of the problem on an informal basis. When this cannot be done, employees not covered by a collective bargaining complaint procedure, can resort to the more formal procedures as provided herein. This procedure does not apply to those employees covered by a collective bargaining agreement.

- I. ~~Whenever an employee feels that he has a grievance, every effort shall be made to arrive at a satisfactory solution to the problem on an informal basis. However, where informal proceedings do not result in a solution, resort shall be made to the more formal procedures provided herein in an effort to resolve the grievance.~~  
The grievance procedure shall be as follows:
- A. Step One – The grievant shall present the grievance to the administrator involved in writing no later than five (5) working days after the informal meeting or, in the absence of such meeting, no later than ten (10) working days after the request for a meeting was made. The administrator or his/her designee shall submit a written response to the grievant within five (5) working days after submission of the grievance.
  - B. Step Two – If the grievant is not satisfied with the disposition of the grievance in Step One, he may submit it in writing to the Superintendent or his/her designee no later than eight (8) working days after the written response in Step One. The Superintendent or his/her designee shall submit a written response to the employee no later than eight (8) working days after submission of the grievance in this step.

**STATUTORY AUTHORITY:**

**1001.41, 1012.22, 1012.23, F.S.**

**LAWS IMPLEMENTED:**

**447.401, 1001.43, 1001.49, 1012.22, 1012.27, F.S.**

**HISTORY:**

**ADOPTED: 08/21/01  
REVISION DATE(S):  
FORMERLY: 3.108**

**NOTES:**

**Refer To: Bargaining Agreement  
Equity**

## CHAPTER 6.00 – HUMAN RESOURCES

### COMPLAINTS AGAINST EMPLOYEES

6.36\*

- I. Any complaint by someone who is not an employee of the School Board involving serious charges against an employee of the School Board shall be referred to the Superintendent and shall be investigated by him/her or the Executive Director of Human Resources or his/her designee.
- II. It is the duty of all employees to report to the Superintendent alleged misconduct by any School-school Board-board employee that affects the health, safety or welfare of a student as required by Florida Statute and School Board policy.
- III. ~~Any formal complaint against an employee which involves serious charges shall be in writing and shall bear the signature of the person making the complaint.~~
- IV. Where Board action is required, the Superintendent shall report the results of his/her investigation to the Board for its consideration and action.
- V. The superintendent/designee shall report to the Department of Education legally sufficient complaints within thirty (30) days on which the complaint comes to the attention of the School District.

**STATUTORY AUTHORITY:**

**1001.41, 1012.22, 1012.23, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.42, 1001.43, 1012.22, 1012.796, F.S.**

**HISTORY:**

**ADOPTED: 08/21/01**  
**REVISION DATE(S): 11/06/01; 04/07/09**  
**FORMERLY: 3.103**

**NOTES:**

**Refer To: Equity Handbook - Employees**

**SUSPENSION AND DISMISSAL**

**6.37**

- I. No employee may be suspended from duty except by the Superintendent or the School Board. The Superintendent may suspend a member of the staff during an emergency for a period extending to and including the next meeting of the School Board.
- II. In the case of a suspension without pay by the School Board, an affected employee shall be entitled to a hearing on the charges as to why he/she should be suspended without pay. Said hearing shall be upon reasonable notice by the School Board.
- III. If any dismissal proceeding in which the substantial interest of the employee is affected, or in which the employee has a property interest, the employee shall be entitled to a hearing on the merits of the case in accordance with the provisions of Chapter 120, Administrative Procedure Act.
- IV. In the event an employee is entitled to a hearing, the Superintendent shall notify the affected employee in writing of his/her right to a hearing at the time a petition for suspension or dismissal is filed. The petition for suspension or dismissal must set forth the charges against the employee. The petition shall further notify the employee that in the event a written request for a hearing is not received by the Superintendent within ~~fifteen (15) days after receipt of said notice if the employee is under annual or professional service contract or thirty (30) days after receipt of said notice if the individual is under continuing contract~~ the time prescribed by Florida Statutes, that the employee waives his/her right to a hearing. In the event no such notice is sent by the Superintendent, the employee shall be deemed to have requested a hearing.
- V. In the event a hearing is required as prescribed by law, pursuant to this policy, a written notice of hearing shall be furnished to the employee in a timely manner according to law stating the date, place and time of the hearing.
- VI. No member of the staff may be dismissed except by action of the School Board.
- VII. Any suspension or dismissal shall be as prescribed by law.
- VIII. Nonrenewal of employees during their probationary period or upon expiration of a time-limited contract shall not be considered dismissal and shall not be subject to this policy.
- IX. Any provision in the Collective Bargaining Agreement to the contrary shall supersede this policy.



## CHAPTER 6.00 – HUMAN RESOURCES

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

**LAW(S) IMPLEMENTED:** CHAPTER 120, ~~790.15~~, 1001.43, 1012.22,  
1012.27, 1012.33, 1012.335, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-5.056

**HISTORY:** ADOPTED: 08/21/01  
REVISION DATE(S): 02/07/12  
FORMERLY: 4.115, 5.110

**NOTES:**

**SUSPENSION WITH PARTIAL OR NO PAY**

**6.38**

The School Board hereby delegates authority of employee suspension to the Superintendent under the following narrowly-defined circumstances in order to facilitate personnel management, to maintain an orderly and productive work environment, to avoid public embarrassment to employees, and to eliminate minor disciplinary action from the School Board's agenda.

- I. The suspension shall not exceed five (5) days.
- II. The suspension may be wholly or partially without pay.
- III. Suspension shall be authorized only if the Superintendent finds that the employee has:
  - A. Been absent without leave;
  - B. Been insubordinate;
  - C. Endangered the health or well-being of a fellow employee or of a student(s);
  - D. Willfully neglected duty;
  - E. Consumed an alcoholic beverage or illegal substance while working; or,
  - F. Violated School Board ~~rules-policies~~ to the extent that disciplinary action is required, but the violation is not severe enough for dismissal.
- IV. An employee who is suspended under the authority of this rule shall be granted all due process rights accorded by the Florida Statutes.
- V. This rule grants the Superintendent authority in addition to that provided by Florida Statutes. It shall not be construed to limit the Superintendent's statutory powers.

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

**LAW(S) IMPLEMENTED:** 1001.43, 1012.22, 1012.27, 1012.33, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-5.056

**HISTORY:** ADOPTED: 08/21/01  
REVISION DATE(S):  
FORMERLY: NEW

**NOTES:**

**BACKGROUND INVESTIGATIONS**

**6.39**

In exercising its inherent responsibility to ensure the safety of our children, it is the policy of the School Board of Sarasota County to investigate the backgrounds of all individuals who work or volunteer in our schools and to deny employment and/or access to anyone whose background contains serious criminal activity. This policy applies to all categories of people who have access to children including, but not limited to: **Board board** appointed employees, volunteers registered in the Volunteer and Partnership program, interns, mentors and contractors. The Superintendent will establish minimum criteria, to include a list of offenses which, by their nature, will prohibit employment and/or volunteering in any capacity. This list will be made accessible to potential employees and volunteers. Additionally, any person who is actively serving probation may not work or volunteer in a **situation in which they are alone with studentschool** until completion of the probation, nor may community service probationers perform the requirements of their probation with the School Board.

In its investigation of individual criminal backgrounds, the Board will confer with the Florida Department of Law Enforcement (FDLE), the Federal Bureau of Investigation, and/or other law enforcement agencies as appropriate. Reports of personal backgrounds will be used for the sole purpose of determining appropriateness of employment/ volunteer status. In all cases, reports of investigation will be treated as "confidential" and shared only authorized by statute or regulatory authority. Applicants/volunteers may request a copy of their criminal history report; however, the report may not be used for any other purpose, nor is the applicant/volunteer allowed to share a copy of the report with any other organization.

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

**LAWS IMPLEMENTED:** **435.03, 435.04, 1012.32, 1012.465, 1012.467, 1012.468, F.S.**

**HISTORY:** **ADOPTED: 11/18/03**  
**REVISION DATE(S):**

**06/17/14**

**FORMERLY: NEW**

**NOTES:**

## CHAPTER 6.00 – HUMAN RESOURCES

### ASSESSMENT OF EMPLOYEES

6.40

- I. The Superintendent shall develop or select personnel performance assessment systems for all staff.
- II. Each member of the instructional and administrative staff shall receive, at a minimum, an annual evaluation by his/her immediate administrative supervisor. Each new instructional staff shall receive two evaluations within the first year. Each member of the classified staff shall receive an evaluation when deemed necessary, but no less than once every three years, by his/her immediate administrative supervisor. The purpose of the evaluation shall be to improve the services of personnel in all departments. The administrative supervisors and department heads shall use the evaluation form provided by the Superintendent.
- III. ~~A copy of each classified employee's evaluation report shall be filed in the District Human Resources office.~~ Instructional and school based administrative evaluations are on file in the online Sarasota Instructional Improvement System. All other employees' evaluation reports shall be filed in the District Human Resources office.
- IV. The assessment of all employees shall be based on observations of the individual's work by his/her immediate supervisor and shall be made at least once each year prior to reappointment. Evaluation of instructional personnel and school administrators shall include indicators of student learning growth.
- V. The Superintendent shall arrange for the assessment of all principals, supervisors and administrative personnel as required by law.
- VI. The principal and/or administrator supervising personnel shall arrange for the assessment of all employees under his/her supervision as required by law.
- VII. Prior to preparing the written report of the assessment, the individual being assessed shall be informed as to the criteria and the procedure to be used.
- VIII. The written report of the assessment shall be reviewed with the employee and discussed with him/her by the person who made the assessment.
- IX. An employee may respond to an assessment in the manner provided by law or other approved procedures.

#### STATUTORY AUTHORITY:

**1001.41, 1001.43(11)1012.22, 1012.23, F.S.**

#### LAW(S) IMPLEMENTED:

**1001.43(11), ~~1008.22~~, 1008.36, 1012.22,**

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**1012.27, 1012.34, F.S.**

**HISTORY:**

**ADOPTED: 08/31/01**  
**REVISION DATE(S): 02/07/12, 03/17/15, 06/28/15**  
**FORMERLY: 4.122, 5.105**

**NOTES:**

**Refer To: Teacher Evaluation System Handbook**  
**Human Resources Procedures Manual: Classified Section**  
**School Leader Evaluation System (AES) - Florida/School Leader**  
**Assessment**

## CHAPTER 6.00 – HUMAN RESOURCES

### INSTRUCTIONAL EMPLOYEE PERFORMANCE CRITERIA

6.41\*+

- I. The Superintendent or designee shall develop and present, for School Board approval, instructional employee performance criteria and/or measures. Such performance criteria and/or measures shall be consistent with statutory requirements but may include additional elements as deemed appropriate. Student performance data shall be used in the evaluation of instructional personnel.
- II. Each member of the instructional staff shall receive an annual evaluation by his/her immediate administrative supervisor in accordance with the District's Teacher Evaluation System. ~~teacher's performance appraisal system procedures handbook~~. Instructional personnel whose annual evaluation demonstrates outstanding-effective or highly effective performance will be eligible for performance pay.
- III. Instructional personnel shall be informed of the criteria for assessment including the use of student performance data and indicators of student learning growth.
- IV. The Superintendent shall submit the instructional performance appraisal system to the Department of Education for approval.

**STATUTORY AUTHORITY:** 1001.41, 1001.43(11), 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 1001.43(11), ~~1008.22~~, 1008.36, 1012.22, 1012.27, 1012.34, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-5.030, 6A-5.0411

**HISTORY:** ADOPTED: 08/21/01  
REVISION DATE(S): 10/06/15  
FORMERLY: NEW

**NOTES:**

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**JOB DESCRIPTIONS**

**6.42**

- I. The Board reserves the right to approve or disapprove all new job descriptions and all major changes to existing job descriptions. The Executive Director, Human Resources and Labor Relations may approve minor changes, with the approval of the applicable cost center head and the appropriate Associate Assistant Superintendent. These changes may include, but are not limited to, changes as a result of Board-board approved reorganizations, Board-board approved Collective Bargaining Agreement settlements, Board-board approved changes to salary structures, etc.
- II. The Superintendent will ensure that each and every position in the District is covered by a Board approved job description
- III. At a minimum, each job description will include the following:
  - A. Job title;
  - B. Salary schedule;
  - C. The Cost Center(s) where the job description resides organizationally;
  - D. Minimum qualifications;
  - E. Knowledge, skills and abilities required to be effective in the position;
  - F. A statement of who the position reports to and any positions it may supervise;
  - G. Specific performance responsibilities; and
  - H. Physical requirements.
- IV All job descriptions will be reviewed periodically by the supervising cost center head to ensure compliance with applicable policies and to ensure the job description remains an accurate depiction of the position needs.

**STATUTORY AUTHORITY:**

**1001.42 (5) F.S.**

**LAWS IMPLEMENTED:**

**1001.42 (5) F.S.**

**HISTORY:**

**ADOPTED: 06/06/06  
REVISION DATE:  
FORMERLY: NEW**

**NOTES:**

LEAVE OF ABSENCE

6.50\*

Leave of Absence - A leave of absence is permission granted by the School Board or allowed under its adopted rules 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 leave provided such return is during the period of employment.

- I. Leave may be with or without pay.
- II. Any absence of any employee from duty shall be covered by leave duly authorized and granted.
- III. Leave shall be used for the purpose set forth in the leave application. Failure to do so without duly granted amendment may result in immediate cancellation of the leave, disciplinary action and dismissal.
- IV. Leave must be officially granted in advance of taking such leave. Any request that leave be granted retroactively may be denied. Leave for illness or other emergencies may be deemed to have been granted in advance if the employee makes a proper written report and explanation of the absence to his immediate supervisor or principal at the earliest practicable time on the first day that he/she returns to work after such absence.
- V. No leave will be granted for a period in excess of one (1) year. Authority to grant extended leave is vested in the Board.
- VI. For any absence that is without compensation, the deduction for each day's absence shall be determined by dividing the annual salary by the number of paid days for the annual period.
- VII. An employee having leave for the year or for the remaining part thereof shall notify the Superintendent of his/her intent to return in writing no later than March 1 and shall send a copy of such notice to his/her immediate supervisor. Failure to do so may be considered a resignation by the employee.
- VIII. A leave shall be deemed unauthorized if the employee enters similar or related employment during his/her leave without express written permission of the Board. In that circumstance, the employee will be considered to have resigned voluntarily. An employee who is granted leave may not be employed as a substitute in the Sarasota County School System during such leave, without approval of the Board.
- IX. Any employee granted a leave of absence as provided in this rule-policy shall be given the opportunity, unless restricted by insurance contracts with the Board, to continue insurance in the existing school programs during the leave, provided that the premiums for such insurance programs shall be paid by the employee on a monthly basis in advance of the month due.



## CHAPTER 6.00 – HUMAN RESOURCES

- X. An employee granted a leave of absence may receive limited leave of absence credit in his/her respective retirement system to the extent and in the manner provided by statute. It shall be the sole responsibility of the employee to make arrangements to obtain such credit.
- XI. In leaves pursuant to these rules, no experience credit on the salary schedule shall be granted for any year in which the employee does not work one (1) day more than one-half (½) of the regular contract year.
- XII. Under normal circumstances the deadline for applying for an initial unpaid leave of absence shall be ~~March~~ April 15 of each year. Employees on an extended unpaid leave shall notify the Department of Human Resources on or before March 1 of their intent for the coming year.

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

**LAW(S) IMPLEMENTED:** 1001.43, 1012.22, 1012.61, 1012.63,  
1012.64, 1012.66, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-1.080

**HISTORY:** ADOPTED: 8/21/01  
REVISION DATE(S): 10/6/09  
FORMERLY:

**NOTES:**  
Requires Annual Review

Refer To: Human Resources Procedures Manual  
Bargaining Agreement

## CHAPTER 6.00 – HUMAN RESOURCES

### NOTIFICATION OF ABSENCE

6.51\*

The principal shall notify and submit the appropriate leave form to the Superintendent when he/she plans to be away from school for a half-day or longer. The principal shall designate a responsible member of the administrative or instructional staff to be in charge during his/her absence. Where possible, the name of the person to be in charge of the school when the principal is absent shall be submitted to the Superintendent each year prior to the close of the pre-school conference.

An employee who is absent from duty for any reason shall notify the principal or his/her immediate supervisor as early as possible. Such notification shall be given in advance unless conditions beyond the control of the employee make such advance notification impossible.

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

**LAWS IMPLEMENTED:** 1001.43, 1012.22, 1012.66, 1012.67, F.S.

**HISTORY:** ADOPTED: 08/21/01  
REVISION DATE(S):  
FORMERLY: NEW

**NOTES:**  
Refer To: Human Resources Procedures Manual

**RESIGNATIONS**

**6.52**

- I. Any administrative or instructional staff member who wishes to resign shall submit his/her resignation in writing addressed to the School Board. The letter of resignation shall state the reasons for the resignation and the desired effective date.
  - A. The resignation of an administrative or instructional staff member may be accepted during the contractual period of service; provided that an acceptable reason is given and a qualified and satisfactory replacement is available. Any resignation for an ensuing school year shall be accepted without question if submitted prior to June 20 of the current school year.
  - B. All resignations shall be processed through the Human Resources office.
  - C. An employee who violates the terms of an employment agreement or written contract by leaving his/her position without first being released from the agreement or contract by the School Board shall be subject to the jurisdiction of the Education Practices Commission. When this occurs, the Superintendent shall be responsible for notifying the Commissioner of Education about the School Board's action of declaring the position as abandoned and vacant.
- II. A non-instructional employee who wishes to resign shall submit his/her resignation in writing addressed to the School Board. Whenever possible, two (2) weeks prior notice shall be given. The letter of resignation shall state the reason for the resignation and the desired effective date.
- III. The School Board hereby delegates to the Superintendent the authority to accept or reject resignations on the School Board's behalf. All resignations shall be irrevocable by the individual resigning once tendered unless the Superintendent otherwise consents in writing. The resignation shall be submitted to the School Board at a regular or special meeting.

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

**LAWS IMPLEMENTED:** 1001.43, 1012.22, 1012.23, 1012.33, 1012.34, 1012.795, F.S.

**HISTORY:** ADOPTED: 08/21/01  
REVISION DATE(S): 09/06/11  
FORMERLY: 3.125

**NOTES:**  
Refer To: Human Resources Procedures Manual

**CHAPTER 6.00 – HUMAN RESOURCES**

**RETIREMENT OF EMPLOYEES**

**6.53**

Any employee who plans to retire shall concurrently submit his/her resignation to the School Board and his/her application to the retirement system for retirement benefits. Employees are encouraged to submit the resignation and application form at least ninety (90) days in advance of the retirement date to ensure the retirement check is issued the month following the last month of service with the School Board.

**STATUTORY AUTHORITY:** **1001.41(2), 1001.42, F. S.**

**LAWS IMPLEMENTED:** **PART 1 CHAPTER 121, 1001.43, 1012.23, F.S.**

**HISTORY:** **ADOPTED: 08/21/01**  
**REVISION DATE(S):**  
**FORMERLY: NEW**

**NOTES:**

## CHAPTER 6.00 – HUMAN RESOURCES

### TEMPORARY DUTY

6.55\*+

- I. An employee may be assigned to be temporarily away from his/her regular duties and place of employment for the purpose of performing other educational services, including participation in surveys, professional meetings, study courses, workshops and similar services of direct benefit to the School District. Such assignment may be initiated by the Superintendent, cost center head, or by the individual who desires the temporary duty as days of duty.
- II. The Superintendent shall develop procedures and guidelines to implement this policy.

**STATUTORY AUTHORITY:**

**1001.41, 1012.22, 1012.23, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.32, 1001.43, 1012.27, 1012.66, F.S.**

**HISTORY:**

**ADOPTED: 08/21/01  
REVISION DATE(S): 11/12/07  
FORMERLY: 3.119**

**NOTES:**

## CHAPTER 6.00 – HUMAN RESOURCES

### TRANSPORTATION - EMPLOYEE DRUG AND ALCOHOL TESTING

6.60\*

The purpose of this policy is to determine the use of drugs and alcohol in the workplace by establishing standard procedures for drug and alcohol testing for all employees required to hold a Commercial Driver's License (CDL).

- I. Authorization - Employees of persons performing safety sensitive functions and holding commercial driver's licenses are required to implement a drug and alcohol testing program pursuant to the Omnibus Transportation Employee Testing Act of 1991 (OTETA), regulations of the Federal Highway Administration (FHWA) contained in 49 CFR Parts 40 and 382, et al., and 1012.45, Florida Statutes.
- II. Definitions
  - A. *Prohibited Substances or Drugs* - Any illegal drug or substance as identified in Schedules I through V of Section 202 of the Controlled Substance Act and as further defined by 21 CFR 1308.11 - 1308.15. This includes, but not limited to, marijuana, amphetamines, **opiates/opioids**, phencyclidine (PCP), and cocaine. Illegal use includes use of any illegal drug, misuse of legally prescribed or obtained prescription drugs.
  - B. *Alcohol* - *Alcohol use* is the consumption of any beverage, mixture or preparation including any medication or product containing alcohol.
  - C. *Covered Employees* - *Covered employees* include those School Board employees who are required to hold a Commercial Driver's License as a condition of employment.
- III. Application - This policy applies to all School Board employees who are required to hold a Commercial Driver's License as a condition of employment and who perform safety sensitive function (382.107).
- IV. Prohibited Conduct
  - A. *Prohibited Substances or Drugs* - No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a vehicle.
  - B. *Alcohol* - No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of BAC.02 or greater. No driver shall use alcohol while

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performing safety-sensitive functions. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.

### V. Treatment and Notice Requirements

- A. Notice to Affected Employees - The School Board will communicate to all covered employees prior to conducting drug and/or alcohol testing and provide the reasons for conducting said test(s). The School Board shall provide written notice at the time of the actual testing.
- B. Education and Training - The School Board shall provide educational materials that explain the requirements of the program and its policies and procedures with respect to meeting the requirements.
- C. Treatment Information - Each covered employee who engages in prohibited conduct shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with use of prohibited drugs or alcohol misuse.
- D. Disciplinary Action - Any active employee testing positive or who illegally uses any illegal drug or substance as identified in Schedule I through V of section 202 of the Controlled Substance Act and as further defined by 21 CFR 1300.11 - 1300.15 will have their employment terminated by the School Board. This includes, but is not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine.

### VI. Testing and Analysis - It is the intent of the School Board to comply with all alcohol and controlled substance testing procedures contained in 49 Code of Federal Regulations Parts 382, 291, 192 and 395. The School Board recognizes the need to protect individual dignity, privacy and confidentiality in the program. Specimen analysis shall be conducted in a manner to assure a high degree of accuracy and reliability and using laboratory facilities which are certified by the U.S. Department of Health and Human Services and the Florida Agency for Health Care Administration.

The following are conditions under which testing may be conducted as required by federal regulations or when circumstances warrant. If possible, all testing will be done by an outside agency.

- A. Pre-employment Testing - All applicants for employment for positions requiring a Commercial Driver's License (CDL) shall undergo testing prior to employment to substantiate the exception.
- B. Reasonable Suspicion Testing - A supervisor or designee outside the bargaining unit who has been trained in accordance with the requirements of FHWA regulations shall require a driver to submit to an alcohol or drug

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test when the employer has reasonable suspicion to believe that a driver has violated the prohibitions contained in the FHWA Regulation.

Reasonable suspicion must be based on documented objective facts and circumstances which are consistent with the long- and short-term effects of alcohol or substance abuse, including, but not limited to, physical signs and symptoms, appearance, behavior, speech and/or body odor.

The required observations for alcohol and/or controlled substance reasonable suspicion testing shall be made by a supervisor or designee who has been trained for at least sixty (60) minutes on alcohol misuse and an additional sixty (60) minutes on controlled substance misuse.

- C. Post-accident Testing - Alcohol or drug testing will be administered following an accident when the driver was performing a safety-sensitive function. *Accidents* are defined to very limited circumstances by the FHWA which include loss of human life, driver received a citation from a law enforcement officer and either a driver or passenger received immediate medical treatment away from the scene of the accident, or one of the vehicles involved was to be towed from the scene of the accident due to operational impairment. Such testing must be conducted within the time limits set forth in the FHWA Regulations.
- D. Random Testing - All covered employees shall be subject to random, unannounced drug and alcohol testing. The annual random rate for alcohol testing shall be twenty-five percent (25%) of the covered employees. The annual random rate for controlled substance testing shall be fifty percent (50%) of the covered employees.
- E. Return to Duty Testing - All employees who previously tested positive on a drug or alcohol test must submit to a return-to-duty test and test negative prior to returning to duty.
- F. Follow-up Testing - Unannounced follow-up alcohol and/or controlled substance testing as directed by a substance abuse professional, in accordance with FHWA Regulations, shall occur when it is determined that a covered employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of drugs. The number and frequency of follow-up testing shall be determined by the substance abuse professional.

Any employee who questions the results of a required drug test set forth in this policy may request that a test of the split sample be conducted. This test may be conducted at the same or a different testing laboratory.

Failure of the employee to submit to any required drug or alcohol test is considered a positive test result in accordance with FHWA Regulations.



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

**LAW(S) IMPLEMENTED:** 112.0455, 440.102, 1001.43, 1012.45, F.S.  
49 CFR PART 40, DOT, 49 CFR PARTS 382 & 391,  
FEDERAL HIGHWAY ADMINISTRATION

**HISTORY:** ADOPTED: 08/21/03  
REVISION DATE(S):  
FORMERLY: NEW

**NOTES:**

**SCHOOL BOARD EMPLOYEES WITH HIV, AIDS, OR OTHER COMMUNICABLE DISEASES**

**6.61+**

**I. Statement of Purpose**

The School Board of Sarasota County does not discriminate on the basis of communicable disease, including HIV infection, or association with another person with a communicable disease. In accordance with the Americans with Disabilities Act of 1990, an employee with a communicable disease is welcome to continue working as long as he or she is able to perform the essential functions of the position, with reasonable accommodation if necessary.

**II. Confidentiality**

No information regarding a person's HIV status will be divulged to any individual or organization without a court order or the informed, written, signed, and dated consent of the person with HIV infection. The written consent must specify the name of the recipient of the information and the purpose for disclosure.

Staff members are not required to disclose HIV infection status to anyone in the education system. HIV antibody testing is not required for any purpose.

Every employee has a duty to treat as highly confidential any knowledge or speculation concerning the HIV status of another staff member. Violation of medical privacy is cause for disciplinary action.

All health records, notes, and other documents that reference a staff member's HIV status will be kept under lock and key. Access to these confidential records is limited to those named in written permission from the staff member. Information regarding HIV status will not be added to a staff member's permanent personnel file without written consent.

**III. Civil Rights Protections for Persons with Disabilities**

Both HIV infection and AIDS are defined as disabilities, and so federal and state civil rights laws intended to protect the rights of persons with disabilities fully apply.

**IV. Harassment**

Staff members will always strive to maintain a respectful school/work climate and not allow physical or verbal harassment of any individual or group by another individual or group. This includes taunts directed against a person living with HIV infection, a person perceived as having HIV infection, or a person associated with someone with HIV infection or any other communicable disease.

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**STATUTORY AUTHORITY:** ~~440.56~~, 1001.41, 1012.22, 1012.23, 1013.12, F.S.

**LAWS IMPLEMENTED:** 1001.43, 1012.27, 1012.61, 1012.66, F.S.

**HISTORY:** Adopted: 08/21/01  
Revision date(s):  
Formerly: New

**NOTES:**

**AIDS, BLOODBORNE PATHOGENS AND ENVIRONMENTAL HAZARDS**

**6.62+**

In accordance with Title 29, Code of Federal Regulations Section 1910.1030, the Superintendent has implemented an Exposure Control Plan designed to reduce risk to employees who are or who become occupationally exposed to blood, other potentially infectious organic materials and certain other body fluids that contain bloodborne pathogens such as the Human Immunodeficiency Virus (HIV) and the Hepatitis B Virus (HBV).

The risk categories for employees in relation to the amount of exposure normally associated with a job function, the control methods, HBV vaccination and training procedures can be found in the Exposure Control Plan.

The Exposure Control Plan is available at the ~~following locations~~ Risk Management Office and on the District website.

~~ADMINISTRATION BUILDING~~

~~Superintendent's Office  
All Assistant Superintendent's Offices  
Human Resources  
Risk Management Office~~

~~SCHOOL SITES~~

~~Principal's Offices  
Clinics~~

~~TRANSPORTATION COMPLEX~~

~~Director's Office~~

~~FACILITIES SERVICES~~

~~Director's Office~~

~~OTHER ADMINISTRATIVE OFFICES~~

~~Instructional Materials Director's Office  
Pupil Support Services Supervisor's Office~~

**CHAPTER 6.00 – PERSONNEL**

**STATUTORY AUTHORITY:** 1001.41, 1001.42, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 381.0098, 1001.43, 1012.27, 1013.12, ~~1013.42~~, F.S.

**STATE DEPARTMENT OF HEALTH RULE(S):** 64E-16

**HISTORY:** ADOPTED: 08/21/01  
REVISION DATE(S):  
FORMERLY: 2.137

**NOTES:**

Refer To: Sarasota Occupational Exposure to Bloodborne Pathogens  
Compliance Manual

## CHAPTER 6.00 – HUMAN RESOURCES

### NURSING MOTHERS

6.65+

- I. Under the provisions of the Fair Labor Standards Act, the District shall provide reasonable unpaid breaks for an employee to express breast milk for her child for up to one (1) year after the birth of the child.
- II. A private area, free from intrusion, shall be made available to the employee.
- III. A nursing mother shall be responsible for notifying her supervisor of her intent to exercise her right under the Fair Labor Standards Act.
- IV. The Superintendent shall develop procedures for the notification of employees and for the implementation of this policy.

#### STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

#### LAW(S) IMPLEMENTED:

383.015, 1001.43, 1012.23, F.S.  
Fair Labor Standards Act of 1938 (29 USC 207, ~~Section 7(r)~~)

#### HISTORY:

ADOPTED: 05/17/11  
REVISION DATE(S):  
FORMERLY: NEW

#### NOTES: