

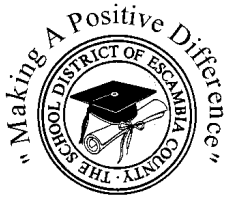
# **FEDERAL/STATE COMPLIANCE PACKET**

## **2023-2024**

**To be disseminated to all  
employees**

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# THE SCHOOL DISTRICT OF ESCAMBIA COUNTY

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75 NORTH PACE BOULEVARD, PENSACOLA, FL 32505  
PHONE (850) 432-6121  
www.escambiaschools.org  
KEITH LEONARD, SUPERINTENDENT

## MEMORANDUM

To: **ALL PRINCIPALS, DEPARTMENT HEADS, MANAGERS, SUPERVISORS, AND EMPLOYEES**

From: Kelly Krostag, Assistant Superintendent for Human Resource Services

Date: July 1, 2023

Re: FEDERAL, STATE, AND DISTRICT POLICY COMPLIANCE – To inform all employees of the Escambia County School District

As required by federal and state law and District policies, **all employees**, i.e., permanent, temporary, substitute, intern, and student employees (anyone who is a paid employee), in the Escambia County School District must be informed of the District policy related to the **DRUG-FREE WORKPLACE, ~~TOBACCO/COTININE/NICOTINE-FREE HIRING POLICY~~ (policy suspended from 7/1/2022 - 1/1/2024), TOBACCO-FREE SCHOOL POLICY, REPORTING EMPLOYEE MISCONDUCT, OCCUPATIONAL SAFETY AND HEALTH, EMERGENCY PLANS, HARASSMENT REPORTING AND ACTION PROCEDURES, WORKERS' COMPENSATION PROCEDURES, HIPAA NOTICE, EMPLOYEE CODE OF ETHICS, ETHICS IN EDUCATION ACT, NOTICE OF SOCIAL SECURITY NUMBER DISCLOSURE, COPYRIGHT LAWS, REPORTING CHILD ABUSE, SUPERVISION OF STUDENTS, POLICY AGAINST BULLYING AND HARASSMENT, EMPLOYEE USE OF SOCIAL MEDIA, STAFF RESPONSIBLE USE GUIDELINES FOR TECHNOLOGY, COMPENSATORY TIME, and POLICY OF NONDISCRIMINATION.** Our District also provides this information to contract employees not paid directly by the District. Enclosed are materials that must be distributed to all employees under your supervision. **Failure to distribute these materials is a direct violation of federal and state law and District policy.**

**ALL Principals: Include this information in every school's faculty handbook.** By incorporating this into your faculty handbooks, you can be assured that each school-based employee will receive basic required information on a yearly basis.

By signing acknowledgement (**electronically as detailed on page 6 and 7**), each employee is indicating that he/she has read and understands that, as a condition of continued employment, compliance with the Drug-Free Workplace Policy is required and violators may be suspended and/or terminated.

Additionally, the employee signature indicates that he/she has been advised of the District policies, guidelines, and trainings, as listed above. **The reading component and the online sexual harassment training should be completed no later than August 31, 2023, and confirmed by electronic signature (see page 6 and 7 for instructions).** Those hired after the start of the new school year should complete the reading component and online training within thirty days of their start date.

NOTE: All individuals employed by Escambia County School District will be issued an employee ID badge bearing a photo of the employee that shall be worn and visible at all times while at work in order to promote a safe learning and working environment. The employee photo will also be utilized in the School District's employee management system and email system as part of the School District's security protocol to protect the safety and well-being of students and staff.

The following individuals will be responsible for ensuring that each department head, supervisor, and manager, in the appropriate worksite areas receives the subject information and that **all employees under their supervision/direction** in the various district departments/schools complete the electronic acknowledgement or if accommodation is necessary, a paper acknowledgement. Accommodations for employees unable to complete the process online can be made by contacting Mary Tucker of Human Resource Services at (850) 439-2220:

Each School Based Administrator  
All Level Directors  
Appropriate Deputy Superintendent/Assistant Superintendent  
Coordinator – Board Affairs–SCHOOL BOARD MEMBERS/EMPLOYEES

### **ONLINE SAFETY TRAINING ACCESS**

All employees are required to complete Online Safety Training facilitated by Protection Services. The following link, <https://www.escambiaschools.org/Page/5218>, provides access to required elements of the training, directions, and frequently asked questions. District employees may access online safety, health, security, and emergency training at <http://escambia-fl.safeschools.com/login> or through group delivery as provided for certain classifications of employees. For additional information concerning online safety and health training, contact George Ann White at (850) 439-2638.

NOTE: The employee's electronic signature indicates that he/she has been advised of the requirement to access and complete the online safety training, as outlined in the accompanying safety training schedule. The employee's signature also indicates that he/she affirms that they will personally view and complete each assigned online course, including any and all assessments. Course assignment reports indicating successful completing of the online safety training component will be maintained by Protection Services and made available to school/department administrators and the Assistant Superintendent for Human Resource Services.

### **SECURITY AWARENESS TRAINING**

The Security Awareness Training must be delivered in face-to-face training sessions to enable staff to discuss content and ask questions as needed. This course is a response to the State Auditor's finding that Escambia must conduct annual training to maintain user awareness of the need to comply with all statutory guidelines and best practices within working with legally protected and sensitive data. Training will be delivered during regularly scheduled work time. For assistance contact Brian Johnson at [bjohnson@ecsdf.us](mailto:bjohnson@ecsdf.us)

### **IN SUMMARY:**

It is the responsibility of each department head, manager, and supervisor to notice **all employees** under their supervision/direction as early as possible to ensure compliance with the **DRUG-FREE WORKPLACE POLICY, ~~TOBACCO/COTININE/NICOTINE-FREE HIRING POLICY~~ (policy suspended from 7/1/2022 - 1/1/2024), TOBACCO-FREE SCHOOL POLICY, REPORTING EMPLOYEE MISCONDUCT, OCCUPATIONAL SAFETY AND HEALTH, EMERGENCY PLANS, HARASSMENT REPORTING AND ACTION PROCEDURES, WORKERS' COMPENSATION PROCEDURES, HIPAA NOTICE, EMPLOYEE CODE OF ETHICS, ETHICS IN EDUCATION ACT, NOTICE OF SOCIAL SECURITY NUMBER DISCLOSURE, COPYRIGHT LAWS, REPORTING CHILD ABUSE, SUPERVISION OF STUDENTS, POLICY AGAINST BULLYING AND HARASSMENT, EMPLOYEE USE OF SOCIAL MEDIA, STAFF RESPONSIBLE USE GUIDELINES FOR TECHNOLOGY, COMPENSATORY TIME, and POLICY OF NONDISCRIMINATION** and that each employee has the opportunity to review the materials and provide an electronic signature (see page 6 and 7) indicating compliance no later than **August 31, 2023**. Those hired after the start of the new school year should complete the reading component and online training within thirty days of their start date.

KK/ mlt

## **BACKGROUND**

This packet is delivered to all employees, schools, and departments, which are required to verify both receipt and review of material. Items revised or newly added to the Federal and State Compliance Packet are indicated in **BOLD**.

Subjects of the required reading component are:

### **Memorandum**

#### **Reporting Employee Misconduct**

Ethics in Education Act

Florida Statute s. 768.095

Reporting Child Abuse

Florida Statute s. 39.203

Copyright Laws

Supervision of Students

Policy Against Bullying and Harassment (School Board Rule 7.18)

Notice of Social Security Number Disclosure

Emergency Plan for Faculty and Staff (Medical Emergencies Guidelines and Incident Response Guide)

#### **Workers' Compensation Procedures**

#### **HIPAA Notice**

Harassment Reporting and Action Procedures (online training and required reading component)

Employee Safety, Health, Security, and Emergency Management Plans & Procedures (online training and required reading component)

Drug-Free Workplace Policy (School Board Rule 2.37)

~~Tobacco/Cotinine/Nicotine-Free Hiring Policy~~ (School Board Rule 2.47) (policy suspended from 7/1/2022 - 1/1/2024)

Tobacco-Free School Policy (School Board Rule 3.22)

Compensatory Time

Employee Code of Ethics

State Board Rule 6A-10.081, F.A.C.

Employee Use of Social Media (*Excerpt* from School Board Rule 2.05)

Staff Responsible Use Guidelines for Technology (employees and students)

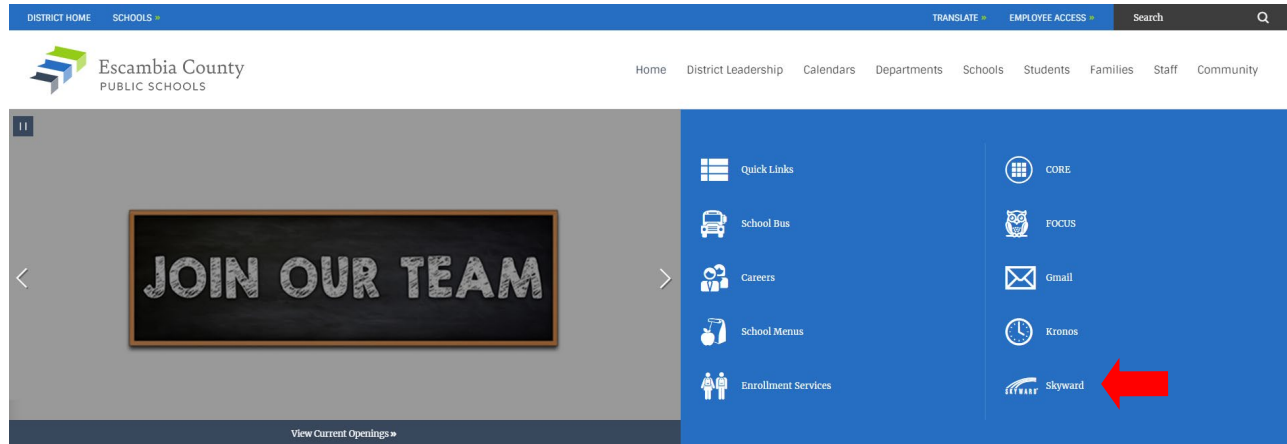
#### **Policy of Nondiscrimination**

All employees must receive a copy of the required reading component each year and acknowledge receipt via signature. Explicit instructions accompany the employee packages (page 6 and 7).

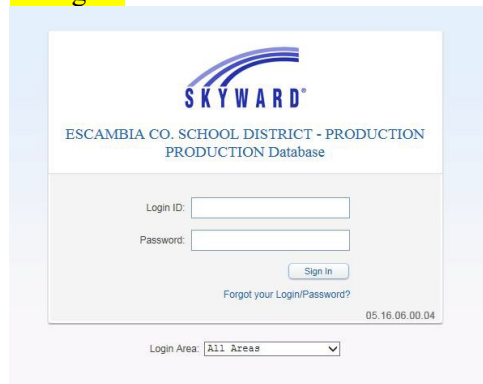
## DIRECTIONS FOR REQUIRED READING POLICY COMPLIANCE NOTICE

The certification for required reading will be acknowledged each year by electronic signature through Skyward's Online Forms process. Complete screen by screen instructions as well as a video detailing each step of the process are available on the [Federal Compliance](#) information page on the District Website. A brief overview of the process is included here.

1. From the District website ([escambiaschools.org](http://escambiaschools.org)), click on the Skyward button as shown below:



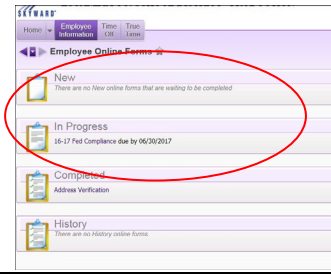
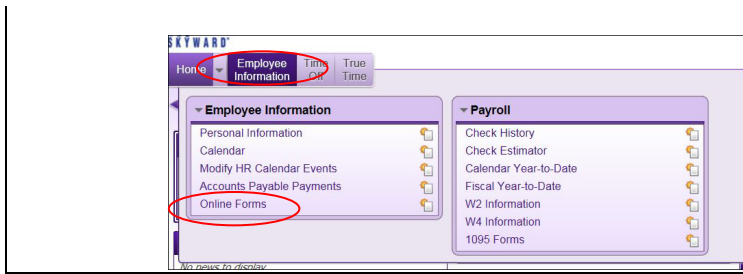
2. Log in:



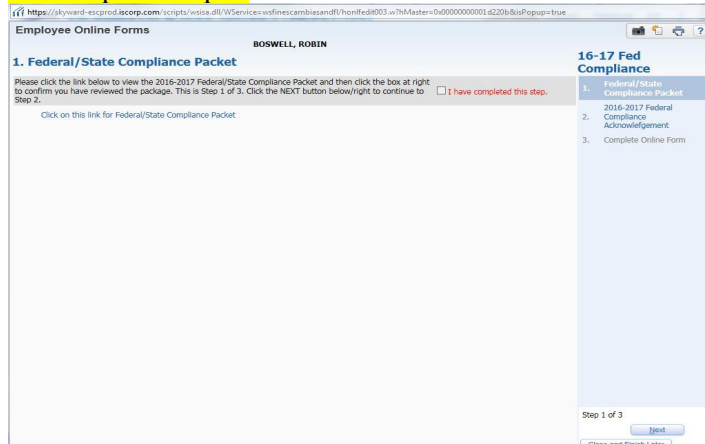
3. Click on the link for the current year **2023 - 2024** to complete the Federal Compliance Online Form\*:



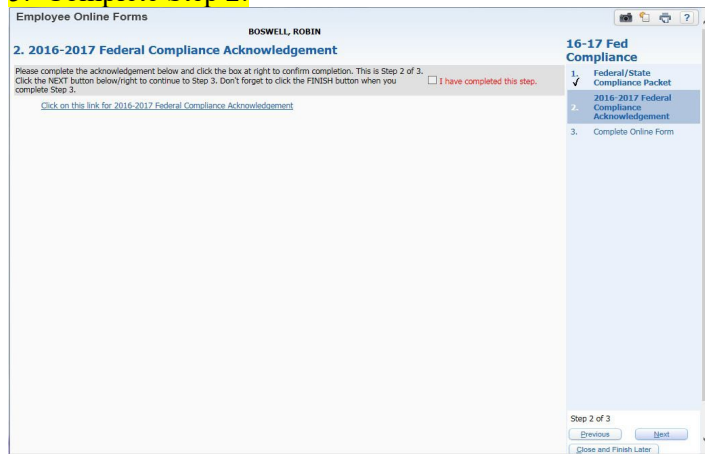
\*If the box shown above does not appear when you enter Skyward, go to Employee Access, click on Employee Information, then Online Forms and look under New or In Progress for the Fed Compliance link.



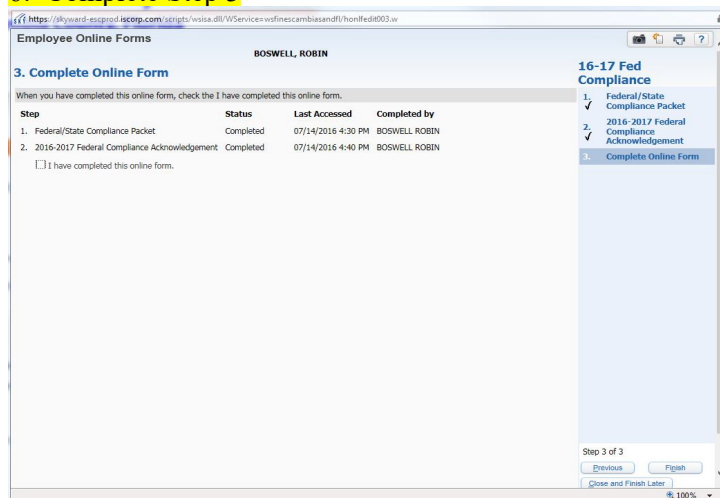
#### 4. Complete Step 1:



#### 5. Complete Step 2:



#### 6. Complete Step 3



## FLORIDA STATUTES & RULES

**Florida Statutes s. 1006.061** states all employees and agents of the district school board, charter schools, and private schools that accept scholarship students, have an obligation to report misconduct by an instructional personnel member or school administrator

**Florida Statutes s. 1012.33** outlines disciplinary procedures regarding district employment contracts with instructional personnel staff, supervisors, and school principals

**Florida Statutes s. 1012.795** provides the Education Practices Commission the authority to issue disciplinary action against an individual's Florida Educator certificate

**Florida Statutes s. 1012.796** provides authority for the Department of Education to investigate and prosecute allegations of educator misconduct

**Florida Statutes s. 1012.01** defines public school instructional personnel, administrative personnel, school volunteers, education support employees, and managers

**State Board of Education Rule 6A-10.081** defines the Principals of Professional Conduct of the Education Profession in Florida

### The following behavior may be indicative of misconduct that should be reported:

- being alone with a student in dark or closed room or secluded area
- behaving in an overly friendly or familiar way or failing to maintain an appropriate professional boundary with a student
- using forceful or unnecessary physical contact with a student
- administering discipline not compliant with District policy
- accepting or offering of gifts for return of a favor or privilege from students or colleagues
- badgering or habitually teasing a student
- mocking or belittling a student
- chronically embarrassing a student
- displaying prejudice or bigotry against a student
- suspicion of being under the influence of drugs or alcohol
- failing to properly supervise students or to ensure student safety
- cheating, falsifying information or testing violations
- retaliating against a student or colleague for reporting misconduct
- bantering or engaging in colloquial or slang communications with a student
- directing or using profane, offensive, or explosive language in the presence of students
- making lewd or suggestive comments or overtures toward a student or colleague

### Apply the litmus test:

1. If you feel uncomfortable
2. If you question the person's motives or actions
3. If you are unsure

**Protect the students and yourself and report.**

## HOW TO REPORT MISCONDUCT

- Report allegations or suspicion of misconduct by an instructional personnel member to your school administrator or District contact
- Report allegations or suspicion of misconduct by your school administrator to your District contact
- Document the activities or details of the event
- Secure evidence (if applicable)

## WHO SHOULD REPORT MISCONDUCT?

All employees and agents of a district school board, charter school, or private school have a duty to report misconduct.

If you are aware of or observe misconduct  
**REPORT IT IMMEDIATELY!**

## WHO SHOULD YOU REPORT?

- Classroom teachers
- Paraprofessionals
- Substitute teachers
- Librarians, guidance counselors & social workers
- Career specialists and school psychologists
- Principals, assistant principals, and deans

### WHO SHOULD YOU REPORT MISCONDUCT TO?

- your administrator, department head, supervisor, manager or director, **OR**
- Kelly Krosttag, Assistant Superintendent for Human Resource Services at

[kkrosttag@ecsdf.us](mailto:kkrosttag@ecsdf.us)

Phone: (850) 439-2220

Please provide your contact information when making a report of misconduct.

- You may also contact the Fraud, Waste, and Abuse Hotline at:

<https://www.reportlineweb.com/escambia>

Phone: (855) 819-1248

### FOR FURTHER INFORMATION: CONTACT:

Florida Department of Education  
Office of Professional Practices Services  
Turlington Building  
325 West Gaines Street  
Tallahassee, FL 32399-0400  
(850)245-0438

[www.myfloridateacher.com](http://www.myfloridateacher.com)



## Faculty Handbooks – Basic Information

### Ethics in Education Act

Personnel are bound by the Ethics in Education Act to report misconduct affecting the health, safety, and welfare of students.

Reports should be made to the Florida Department of Children and Families at 1-800-962-2873 or online at <https://reportabuse.dcf.state.fl.us/>. Reports should also be made to the onsite administrator, department head, manager, director, or supervisor. Reports can also be made to the Deputy Superintendent by calling (850) 469-6131.

Penalties (including suspension of certificate) will be imposed on instructional personnel or school based administrators who fail to report suspected misconduct or actual child abuse or alleged misconduct by other instructional personnel or school administrators.

**768.095, F.S., Employer immunity from liability; disclosure of information regarding former or current employees.**—An employer who discloses information about a former or current employee to a prospective employer of the former or current employee upon request of the prospective employer or of the former or current employee is immune from civil liability for such disclosure or its consequences unless it is shown by clear and convincing evidence that the information disclosed by the former or current employer was knowingly false or violated any civil right of the former or current employee protected under chapter 760.

History.—s. 1, ch. 91-165; s. 17, ch. 99-225.

### Reporting Child Abuse

**Dial 1-800-96-ABUSE (22873) • TTY 711 or 1-800-955-8771 • Fax 1-800-914-0004**

State law mandates that all school personnel shall report cases of suspected child abuse or neglect to the Florida Abuse Hotline. When in doubt about whether a case merits a call to the registry, it is advised to err on the side of caution and let the Abuse Hotline Counselor make the decision of whether the incident falls within the reasonable cause area. Florida Statute requires mandatory reporters of child abuse/neglect to provide his/her name to the Abuse Hotline Counselor when reporting. It is suggested that you notify your building level administrator, department head, manager, director, or supervisor after reporting to the Florida Abuse Hotline.

**39.203, F.S., Immunity from liability in cases of child abuse, abandonment, or neglect.**—

(1)(a) Any person, official, or institution participating in good faith in any act authorized or required by this chapter, or reporting in good faith any instance of child abuse, abandonment, or neglect to the department or any law enforcement agency, shall be immune from any civil or criminal liability which might otherwise result by reason of such action.

(b) Except as provided in this chapter, nothing contained in this section shall be deemed to grant immunity, civil or criminal, to any person suspected of having abused, abandoned, or neglected a child, or committed any illegal act upon or against a child.

(2)(a) No resident or employee of a facility serving children may be subjected to reprisal or discharge because of his or her actions in reporting abuse, abandonment, or neglect pursuant to the requirements of this section.

(b) Any person making a report under this section shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of such reporting party by reason of his or her making such report. Any detrimental change made in the residency or employment status of such person, including, but not limited to, discharge, termination, demotion, transfer, or reduction in pay or benefits or work privileges, or negative evaluations within a prescribed period of time shall establish a rebuttable presumption that such action was retaliatory.

History.—ss. 1, 2, 3, 4, 5, 6, ch. 63-24; s. 941, ch. 71-136; ss. 1, 1A, ch. 71-97; s. 32, ch. 73-334; s. 65, ch. 74-383; s. 1, ch. 75-101; s. 1, ch. 75-185; s. 4, ch. 76-237; s. 1, ch. 77-77; s. 3, ch. 77-429; ss. 1, 2, ch. 78-322; s. 3, ch. 78-326; s. 22, ch. 78-361; s. 1, ch. 78-379; s. 181, ch. 79-164; s. 1, ch. 79-203; s. 27, ch. 88-337; s. 55, ch. 90-306; s. 63, ch. 94-164; s. 73, ch. 97-103; s. 33, ch. 98-403; s. 12, ch. 99-193.

Note.—Former ss. 828.041, 827.07(7); s. 415.511.

## Child Abuse -- Look for the signs

### Signs of Physical Abuse

The child may have unexplained:

- \* bruises, welts, cuts, or other injuries
- \* broken bones
- \* burns

A child experiencing physical abuse may:

- \* seem withdrawn or depressed
- \* seem afraid to go home or may run away
- \* shy away from physical contact
- \* be aggressive
- \* wear inappropriate clothing to hide injuries

### Signs of Sexual Abuse

The child may have:

- \* torn, stained, or bloody underwear
- \* trouble walking or sitting
- \* pain or itching in genital area
- \* a sexually transmitted disease

A child experiencing sexual abuse may:

- \* have unusual knowledge of sex or act seductively
- \* fear a particular person
- \* seem withdrawn or depressed
- \* gain or lose weight suddenly
- \* shy away from physical contact
- \* run away from home

### Signs of Neglect

The child may have:

- \* unattended medical needs
- \* little or no supervision at home
- \* poor hygiene
- \* appear underweight

A child experiencing neglect may:

- \* be frequently tired or hungry
- \* steal food
- \* appear overly needy for attention

## Child Abuse -- Look for the Patterns

Serious abuse usually involves a combination of factors. While a single sign may not be significant, a pattern of physical or behavioral signs is a serious indicator and should be reported.

If a child tells **YOU** about abuse:

**Be a good listener.** Show that you understand and believe what the child tells you. Encourage, but don't pressure him/her to talk. Ask open-ended questions.

**Be supportive.** Tell the child he/she did the right thing by coming to you. Stress that he/she is not to blame. Let the child know that you want to help.

**Don't overreact.** This can frighten the child or prevent him/her from telling you more. Do not talk negatively about the suspected abuser in front of the child.

**Document and report it.** Document your conversation as soon as you can. If possible, write down the child's exact words.

**Don't delay.** Never assume someone else will report the abuse. The sooner it is reported, the sooner the child and their family can be helped.

### Who Must Report Abuse?

Doctors	Nurses
Social Workers	Police Officers
Child Care Workers	Teachers
Any Witnesses	Law Enforcement Officers
<b><u>Any/All School Officials or Other School Personnel</u></b>	

### To Report Abuse:

**Phone 1-800-96-ABUSE (22873) • TTY 711 or 1-800-955-8771 • Fax 1-800-914-0004**

**URL <https://reportabuse.dcf.state.fl.us>**

## Copyright Laws

The Board recognizes the interests and rights of copyright holders as defined in Title 17, United States Code, and neither authorizes nor condones any violation of the copyright law by any employee of the Board. All employees are responsible for adherence to the guidelines for copyrighted materials as published in the Copyrighted Materials document on the Media Services website.

Employees are expected to take all reasonable precautions to prevent unlawful copying or use of copyrighted materials. It is the intent of the Board that students be educated as to the legal and ethical issues raised by violation of the copyright law.

## Supervision of Students

Students must be accompanied by an adult at all times. Students should not be placed in hallways for discipline reasons. In case of an emergency, notify the closest teacher.

### **1003.31, F.S., Students subject to control of school.—**

(1) Subject to law and rules of the State Board of Education and of the district school board, each student enrolled in a school shall:

- (a) During the time she or he is being transported to or from school at public expense;
- (b) During the time she or he is attending school;
- (c) During the time she or he is on the school premises participating with authorization in a school-sponsored activity; and
- (d) During a reasonable time before and after the student is on the premises for attendance at school or for authorized participation in a school-sponsored activity, and only when on the premises, be under the control and direction of the principal or teacher in charge of the school, and under the immediate control and direction of the teacher or other member of the instructional staff or of the bus driver to whom such responsibility may be assigned by the principal. However, the State Board of Education or the district school board may, by rules, subject each student to the control and direction of the principal or teacher in charge of the school during the time she or he is otherwise en route to or from school or is presumed by law to be attending school. Each district school board, each district school superintendent, and each school principal shall fully support the authority of teachers, according to s. [1003.32](#), and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting.

(2) There is a rebuttable presumption that the term “reasonable time” means 30 minutes before or after the activity is scheduled or actually begins or ends, whichever period is longer. A school or district school board may, by policy or other formal action, assume a longer period of supervision. Casual or incidental contact between school district personnel and students on school property shall not result in a legal duty to supervise outside of the reasonable times set forth in this section, provided that parents shall be advised in writing twice per year or by posted signs of the school’s formal supervisory responsibility and that parents should not rely on additional supervision. The duty of supervision shall not extend to anyone other than students attending school and students authorized to participate in school-sponsored activities.

(3) Nothing shall prohibit a district school board from having the right to expel, or to take disciplinary action against, a student who is found to have committed an offense on school property at any time if:

- (a) The student is found to have committed a delinquent act which would be a felony if committed by an adult;
- (b) The student has had adjudication withheld for a delinquent act which, if committed by an adult, would be a felony; or
- (c) The student has been found guilty of a felony.

However, if the student is a student with a disability, the disciplinary action must comply with the procedures set forth in State Board of Education rule.

(4) Each student enrolled in a school may be required to take the following school child’s daily conduct pledge:

- (a) I will be respectful at all times and obedient unless asked to do wrong.
- (b) I will not hurt another person with my words or my acts, because it is wrong to hurt others.
- (c) I will tell the truth, because it is wrong to tell a lie.
- (d) I will not steal, because it is wrong to take someone else’s property.
- (e) I will respect my body, and not take drugs.

(f) I will show strength and courage, and not do something wrong, just because others are doing it.

(g) I pledge to be nonviolent and to respect my teachers and fellow classmates.

History.—s. 126, ch. 2002-387; s. 35, ch. 2003-391.

**1003.32, F.S., Authority of teacher; responsibility for control of students; district school board and principal duties.**—Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him or her by the principal or the principal's designated representative and shall keep good order in the classroom and in other places in which he or she is assigned to be in charge of students.

(1) In accordance with this section and within the framework of the district school board's code of student conduct, teachers and other instructional personnel shall have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school and their opportunity to learn in an orderly and disciplined classroom:

(a) Establish classroom rules of conduct.

(b) Establish and implement consequences, designed to change behavior, for infractions of classroom rules.

(c) Have disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students removed from the classroom for behavior management intervention.

(d) Have violent, abusive, uncontrollable, or disruptive students directed for information or assistance from appropriate school or district school board personnel.

(e) Assist in enforcing school rules on school property, during school-sponsored transportation, and during school-sponsored activities.

(f) Request and receive information as to the disposition of any referrals to the administration for violation of classroom or school rules.

(g) Request and receive immediate assistance in classroom management if a student becomes uncontrollable or in case of emergency.

(h) Request and receive training and other assistance to improve skills in classroom management, violence prevention, conflict resolution, and related areas.

(i) Press charges if there is a reason to believe that a crime has been committed on school property, during school-sponsored transportation, or during school-sponsored activities.

(j) Use reasonable force, according to standards adopted by the State Board of Education, to protect himself or herself or others from injury.

(k) Use corporal punishment according to school board policy and at least the following procedures, if a teacher feels that corporal punishment is necessary:

1. The use of corporal punishment shall be approved in principle by the principal before it is used, but approval is not necessary for each specific instance in which it is used. The principal shall prepare guidelines for administering such punishment which identify the types of punishable offenses, the conditions under which the punishment shall be administered, and the specific personnel on the school staff authorized to administer the punishment.

2. A teacher or principal may administer corporal punishment only in the presence of another adult who is informed beforehand, and in the student's presence, of the reason for the punishment.

3. A teacher or principal who has administered punishment shall, upon request, provide the student's parent with a written explanation of the reason for the punishment and the name of the other adult who was present.

(2) Teachers and other instructional personnel shall:

(a) Set and enforce reasonable classroom rules that treat all students equitably.

(b) Seek professional development to improve classroom management skills when data show that they are not effective in handling minor classroom disruptions.

(c) Maintain an orderly and disciplined classroom with a positive and effective learning environment that maximizes learning and minimizes disruption.

(d) Work with parents and other school personnel to solve discipline problems in their classrooms.

(3) A teacher may send a student to the principal's office to maintain effective discipline in the classroom and may recommend an appropriate consequence consistent with the student code of conduct under s. 1006.07. The principal shall respond by employing the teacher's recommended consequence or a more serious disciplinary action if the student's history of disruptive behavior warrants it. If the principal determines that a lesser disciplinary action is appropriate, the principal should consult with the teacher prior to taking disciplinary action.

(4) A teacher may remove from class a student whose behavior the teacher determines interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. Each district school board, each district school superintendent, and each school principal shall support the authority of teachers to remove disobedient, violent, abusive, uncontrollable, or disruptive students from the classroom.

(5) If a teacher removes a student from class under subsection (4), the principal may place the student in another appropriate classroom, in in-school suspension, or in a dropout prevention and academic intervention program as provided by s. 1003.53; or the principal may recommend the student for out-of-school suspension or expulsion, as appropriate. The student may be prohibited from attending or participating in school-sponsored or school-related activities. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under subsection (6) determines that such placement is the best or only available alternative. The teacher and the placement review committee must render decisions within 5 days of the removal of the student from the classroom.

(6)(a) Each school shall establish a placement review committee to determine placement of a student when a teacher withholds consent to the return of a student to the teacher's class. A school principal must notify each teacher in that school about the availability, the procedures, and the criteria for the placement review committee as outlined in this section.

(b) The principal must report on a quarterly basis to the district school superintendent and district school board each incidence of a teacher's withholding consent for a removed student to return to the teacher's class and the disposition of the incident, and the superintendent must annually report these data to the department.

(c) The Commissioner of Education shall annually review each school district's compliance with this section, and success in achieving orderly classrooms, and shall use all appropriate enforcement actions up to and including the withholding of disbursements from the Educational Enhancement Trust Fund until full compliance is verified.

(d) Placement review committee membership must include at least the following:

1. Two teachers, one selected by the school's faculty and one selected by the teacher who has removed the student.

2. One member from the school's staff who is selected by the principal.

The teacher who withheld consent to readmitting the student may not serve on the committee. The teacher and the placement review committee must render decisions within 5 days after the removal of the student from the classroom. If the placement review committee's decision is contrary to the decision of the teacher to withhold consent to the return of the removed student to the teacher's class, the teacher may appeal the committee's decision to the district school superintendent.

(7) Any teacher who removes 25 percent of his or her total class enrollment shall be required to complete professional development to improve classroom management skills.

(8) Each teacher or other member of the staff of any school who knows or has reason to suspect that any person has committed, or has made a credible threat to commit, a crime of violence on school property shall report such knowledge or suspicion in accordance with the provisions of s. 1006.13. Each district school superintendent and each school principal shall fully support good faith reporting in accordance with the provisions of this subsection and s. 1006.13. Any person who makes a report required by this subsection in good faith shall be immune from civil or criminal liability for making the report.

(9) When knowledgeable of the likely risk of physical violence in the schools, the district school board shall take reasonable steps to ensure that teachers, other school staff, and students are not at undue risk of violence or harm.

History.—s. 127, ch. 2002-387; s. 36, ch. 2003-391.

## **Policy Against Bullying and Harassment (School Board Rule 7.18)**

- (1) The policy of the District is that all of its students and employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. The district will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein is prohibited. Consistent with the intent and requirements of Section 1006.147, F.S., the District prohibits bullying or harassment by any student or employee on school property, during any school-related or school-sponsored program or activity, or during school-sponsored transportation.
- A. Definition of bullying and a definition of harassment:
1. Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to:
    - a. teasing
    - b. social exclusion
    - c. threat
    - d. intimidation
    - e. stalking
    - f. physical violence
    - g. theft
    - h. sexual, religious, or racial harassment
    - i. public or private humiliation
    - j. destruction of property
  2. Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:
    - a. places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
    - b. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
    - c. has the effect of substantially disrupting the orderly operation of a school.
  3. Bullying and harassment also encompasses:
    - a. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
    - b. Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
      - i. incitement or coercion;
      - ii. accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the district school system; or
      - iii. acting in a manner that has an effect substantially similar to the effect of bullying or harassment.
  4. Cyberbullying as defined in Section 1006.147  
"Cyberbullying" means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including, but not limited to, electronic mail, internet

communications, instant messages, or facsimile communications. Cyberbullying includes the creations of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

- (2) Description of the type of behavior expected from each student and school employee of a public K-12 educational institution:
- A. The District expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.
  - B. The District believes that standards for student behavior must be set cooperatively through interaction among the students, parent(s)/guardian(s), staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff, and community members. Since students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment.
  - C. The District upholds that bullying or harassment of any student or school employee is prohibited:
    - 1. during any education program or activity conducted by a public K-12 educational institution;
    - 2. during any school-related or school-sponsored program or activity;
    - 3. on a school bus of a public K-12 educational institution; or
    - 4. through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 education institution.
  - D. All administrators, faculty, and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, self-discipline, good citizenship, and academic success, as seen in the required school plan to address positive school culture and behavior (aka District Intervention Matrix and School Wide Behavior Management Plans). Student rights shall be explained as outlined in this policy and in the District Intervention Matrix, School Wide Behavior Management Plans and the School District of Escambia County *Rights and Responsibilities Handbook*.
  - E. Proper prevention and intervention steps shall be taken based on the level of severity of infraction as outlined in the District Intervention Matrix, School Wide Behavior Management Plans and the School District of Escambia County *Rights and Responsibilities Handbook*.
  - F. Consequences for students, employees, visitors, or volunteers of a public K-12 educational institution who commit an act of bullying or harassment, including whether a particular action or incident constitutes a violation of this policy, requires a determination based on all of the facts and surrounding circumstances. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action. Such consequences are:
    - 1. Consequences for students shall range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the School District of Escambia County *Rights and Responsibilities Handbook*.
    - 2. Consequences for employees shall be in accordance with district policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate. (See

6A-10.081, F.A.C., The Principles of Professional Conduct of the Education Profession in Florida.)

3. Consequences for visitors or volunteers shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.
- G. Consequences for students, employees, visitors, or volunteers of a public K-12 educational institution who are found to have wrongfully and intentionally accused another of an act of bullying or harassment are as follows:
  1. Consequences for students shall range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the School District of Escambia County *Rights and Responsibilities Handbook*.
  2. Consequences for school employees shall be in accordance with district policies, procedures, and agreements.
  3. Consequences for visitors or volunteers, shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.
- (3) Procedure for reporting an act of bullying or harassment, including provisions that permit a person to anonymously report such an act. (See District homepage “Report School Violence” hyperlink)
  - A. At each school, the principal or the principal’s designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal’s designee. All other members of the school community, including students, parent(s)/guardian(s), volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in-person to the principal or principal’s designee.
  - B. The principal of each school in the district shall establish and prominently publicize to students, staff, volunteers, and parent(s)/guardian(s), how a report of bullying or harassment may be filed either in-person or anonymously and how this report will be acted upon. The victim of bullying or harassment, anyone who witnessed the bullying or harassment, and anyone who has credible information that an act of bullying or harassment has taken place may file a report of bullying or harassment. A school employee, school volunteer, student, parent(s)/guardian(s) or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in the district policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter’s future employment, grades, learning or working environment, or work assignments.
  - C. Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s). Reports may be made anonymously, but formal disciplinary action may not be based solely upon an anonymous report.
- (4) The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act:
  - A. The principal or designee will select a designee(s), employed by the school, trained in investigative procedures to initiate the investigation. The designee(s) may not be the accused perpetrator (harasser or bully) or victim.
  - B. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately, separately, and are confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.
  - C. The investigator shall collect and evaluate the facts including but not limited to
    1. description of incident(s) including nature of the behavior;
    2. context in which the alleged incident(s) occurred, etc.;
    3. how often the conduct occurred;
    4. whether there were past incidents or past continuing patterns of behavior;
    5. the relationship between the parties involved;
    6. the characteristics of parties involved (i.e., grade, age, etc.);



7. the identity and number of individuals who participated in bullying or harassing behavior;
  8. where the alleged incident(s) occurred;
  9. whether the conduct adversely affected the student's education or educational environment;
  10. whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
  11. the date, time, and method in which the parent(s)/guardian(s) of all parties involved were contacted.
- (5) Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances and includes
    - A. recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
    - B. a written final report to the principal.
  - (6) A maximum of ten (10) school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying and/or harassment, and the investigative procedures that follow.
  - (7) The process to investigate whether a reported act of bullying or harassment is within the scope of the District and, if not, the process for referral of such an act to the appropriate jurisdiction:
    - A. A principal or designee will assign a designee(s) trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of the District.
    - B. The trained designee(s) will provide a report on results of investigation with recommendations for the principal to make a determination if an act of bullying or harassment falls within the scope of the District.
      1. If it is within the scope of the District, move to Procedures for Investigating Bullying and/or Harassment.
      2. If it is outside the scope of the District, and determined a criminal act, refer to appropriate law enforcement.
      3. If it is outside the scope of the District, and determined not a criminal act, inform parent(s)/guardian(s) of all students involved.
  - (8) Procedure for providing immediate notification to the parent(s)/guardian(s) of a victim of bullying or harassment and the parent(s)/guardian(s) of the perpetrator of an act of bullying or harassment as well as notification to all local agencies where criminal charges may be pursued against the perpetrator:
    - A. The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent(s)/guardian(s) of all students involved on the same day an investigation of the incident(s) has been initiated.
    - B. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
  - (9) If the bullying incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone or in writing by first class mail, inform parent(s)/guardian(s) of the victim(s) involved in the bullying incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) that states "...a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public school that the student attends, be allowed to attend a safe public school within the local educational agency, including a public charter school."
  - (10) Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.
  - (11) Procedure to refer victims and perpetrators of bullying or harassment for counseling:
    - A. A teacher or parent(s)/guardian(s) may request informal consultation with school staff (specialty staff, e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern in any bullying incident (the involved students' parent(s)/guardian(s) may be included).

- B. School personnel or the parent(s)/guardian(s) may refer students to the school intervention team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services. (Parent(s)/guardian(s) involvement is required at this point.)
  - C. If a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school intervention team for determination of counseling support and interventions. (Parent(s)/guardian(s) involvement is required at this point.)
  - D. The intervention team may determine appropriate intervention and assistance that includes:
    - 1. Counseling and support to address the needs of the victims of bullying or harassment;
    - 2. research-based counseling/interventions to address the behavior of the students who bully and harass others (e.g., empathy training, anger management); or
    - 3. research-based counseling/interventions, which include assistance and support, provided to parent(s)/guardian(s), if deemed necessary or appropriate.
- (12) Procedure for including incidents of bullying or harassment in the school's report of data concerning School Safety and Discipline Data required under Section 1006.09(6), F.S.
- A. The report shall include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report shall include, in a separate section, each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents:
    - 1. The District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/harassment as an incident code as well as bullying related as a related element code. The SESIR definition of bullying/harassment is unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment, cause discomfort or humiliation, or unreasonably interfere with the individual's school performance or participation.
    - 2. If a bullying and/or harassment incident occurs then it will be reported in SESIR with the appropriate code. If the bullying/harassment results in a SESIR incident, the incident will be coded appropriately using the relevant incident code and the related element code.
- (13) Discipline and referral data will be recorded in the District's Student Information System.
- (14) The District will provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 5 from Education Information and Accountability Services, and at designated dates provided by the Department.
- (15) Procedure for providing instruction to students, parent(s)/guardian(s), teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment:
- A. The District shall endeavor to ensure that schools sustain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms with regards to bullying. This requires the efforts of everyone in the school environment – teachers, administrators, counselors, school nurses, other non-teaching staff (such as bus drivers, custodians, cafeteria workers, and/or school librarians), parent(s)/guardian(s), and students.
  - B. Students, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the District's Policy and Regulations against bullying and harassment. Instruction on the District's Policy and Regulations against bullying and harassment shall be offered to parent(s)/guardian(s) and school volunteers at least annually. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as how to effectively identify and respond to bullying in schools.
- (16) Procedure for regularly reporting to a victim's parent(s)/guardian(s) the actions taken to protect the victim:
- A. The principal or designee shall by telephone and/or in writing report the occurrence of any incident of bullying as defined by this policy to the parent(s)/guardian(s) of all students involved on the same day an investigation of the incident has been initiated. According to

the level of infraction, parent(s)/guardian(s) will be notified by telephone and/or writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment incident. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

- (17) Procedure for publicizing the policy, which must include its publication in the School District of Escambia County *Rights and Responsibilities Handbook*, required under Section 1006.07(2), F.S., and in all employee handbooks:

- A. At the beginning of each school year, the Superintendent or designee shall, in writing, inform school staff, parent(s)/guardian(s), or other persons responsible for the welfare of a student of the District's student safety and violence prevention policy.
- B. Each district school shall provide notice to students and staff of this policy through appropriate references in the School District of Escambia County *Rights and Responsibilities Handbook* and employee handbooks, and/or through other reasonable means. The Superintendent shall also make all contractors contracting with the District aware of this policy.

- (18) The principal of each school in the district shall establish and sustain a healthy, positive, and safe learning environment for all students. This requires the efforts of everyone in the school environment: teachers, administrators, counselors, school nurses, other non-teach staff (such as bus drivers, custodians, cafeteria workers, and/or school librarians), parents/legal guardians, and students.

Each school principal shall develop an annual process for discussing the District's policy on bullying and harassment with students in a student assembly or other reasonable format. Reminders of the policy and bullying prevention messages such as posters and signs will be displayed around each school and on the District school buses.

Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the district's Policy and Regulations against bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as how to effectively identify and respond to bullying or harassment in schools.

The District provides the following list of authorized programs including, but not limited to: *(Programs listed below are provided as examples only. Inclusion of programs within this list does not imply endorsement or promotion by the School Board of Escambia County.)*

1. Learning for Life
2. PBS/PBIS (Positive Behavior Support/Positive Behavioral Interventions & Supports)
3. Capturing Kids Hearts
4. RISE (Resiliency Increasing Skills and Education) Program
5. ECHO (Education and Counseling for High School Opportunities) Program
6. Child Safety Matters Program
7. Safe Schools Training
8. Ripple Effects

Decisions to include additional instructional programs or activities not previously listed within this policy will be made on a case-by-case basis in consultation with the Division of Curriculum and Instruction.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: 6A-10.081, F.A.C.; Sections 784.048; 1003.31; 1003.32; 1006.07; 1006.08; 1006.09; 1006.10; 1006.147, F.S.

History: New: 01/20/09. Revised/Amended: 05/18/10; 05/19/11; 07/16/13; 03/15/16; 04/18/17.

## **Notice of Social Security Number Disclosure**

### **Statement on the Collection, Use or Release of Social Security Numbers of Employees and Others\*\*\***

The School District of Escambia County is authorized to collect, use or release social security numbers (SSN) of employees and other individuals\*\*\* for the following purposes, which are noted as either required or authorized by law to be collected. The collection of social security numbers is either specifically authorized by law or imperative for the performance of the District's duties and responsibilities as prescribed by law [Fla. Stat. §119.071(5)(a) 2 & 3].

1. Employment eligibility, report to IRS, SSA, UC, and FAWI, including for W-4's and I-9's [Required by federal statute and regulation 26 U.S.C. 6051 and 26 C.F.R. 31.6011(b)-2, 26 C.F.R. 301.6109-1 and 31.3402(f)(2)-1, and Fla. Stat. §119.071(5)(a)6]
2. Receipts to employees for wages and Statements required in case of sick pay paid by third parties [Required by federal statute 26 U.S.C. 6051 and Fla. Stat. §119.071(5)(a)6]
3. Verification of an alien's eligibility for employment, including I-9 [Authorized by 8 U.S.C. 1324 a(b) and 8 C.F.R. 274a.2]
4. Income tax withholding (including for annuity and sick leave)/Payroll deductions on Form W-2 [Required by 26 U.S.C. 3402, 26 C.F.R. 31.6051-1 and Fla. Stat. §119.071(5)(a)6]
5. Teacher retirement system benefits and contributions [Authorized by Fla. Stat. §238.01 et seq., including 238.07, and Fla. Stat. §119.071(5)(a)6]
6. Retirement contributions required for enrollment in Florida Retirement System (FRS) Investment Plan, second election retirement plan enrollment, or for participation in and contributions to FRS [Required by Fla. Admin. Code 19-11.010, 19-11.006 and 19-11.007 and Fla. Stat. §119.071(5)(a)2 & 6 or required by Fla. Stat. §121.051 and 121.071 and Fla. Admin. Code 19-13.003 and Fla. Stat. §119.071(5)(a)2 & 6]
7. Reports pertaining to deferred vested retirement programs [Required by 26 C.F.R. 301.6057-1 and Fla. Stat. §119.071(5)(a)6]
8. Payments and plan relating to the retiree prescription drug subsidy under 42 C.F.R. §423.34 and 42 C.F.R. §423.886 [Authorized by 42 C.F.R. 423.884 and Fla. Stat. §119.071(5)(a)6]
9. Educator Certification or licensure application, renewal, or add-on, or non-employee registration for professional development for in-service points or incentive pay [Required by Fla. Stat. §1012.56, and 119.071(5)(a)6, and/or authorized by Fla. Stat. §1012.21 and §119.071(5)(a)6]
10. Criminal history, Level 1 and level 2 background checks/Identifiers for processing fingerprints by Department of Law Enforcement, if SSN is available [Required by Fla. Admin. Code 11C-6.003 and Fla. Stat. §119.071(5)(a)6]
11. Registration information regarding sexual predators and sexual offenders [Authorized by Fla. Stat. §943.04351 and required by Fla. Stat. §119.071(5)(a)2 & 6]
12. Reports on staff required to be submitted to Florida Department of Education (DOE), including but not limited to Out-of-County/Out-of-State Verification of Highly Qualified [Authorized and required by Fla. Stat. §119.071(5)(a)2 & 6 and/or EDGAR at 34 CFR 80.40(a) or Fla. Stat. §1008.32]
13. Social security contributions [Required by Fla. Admin. Code 60S-3.010 and Fla. Stat. §119.071(5)(a)2 & 6]
14. State directory of new hires (including for determining support obligations and eligibility for several federal and state programs) [Required by federal law 42 U.S.C. 653a and Fla. Stat. § 409.2576 and Fla. Stat. §119.071(5)(a)]
15. Notice to Payor and Income Deduction notices for child support, or for alimony and child support [Required by Fla. Stat. §61.1301(2)(e) and Fla. Stat. §119.071(5)(a)]
16. Child support enforcement [Required by 45 C.F.R. 307.11 and Fla. Stat. §61.13, 742.10 or 409.256.3 or 742.031]
17. Garnishment payment pursuant to a Notice of Levy [Required by Fla. Admin. Code 12E-1.028m and Fla. Stat. §119.071(5)(a)]
18. Request from depository for support payments [Required by Fla. Stat. §61.181 (3)(b) and Fla. Stat. §119.071(5)(a)]
19. Record of remuneration paid to employees [Required by federal regulation 20 C.F.R. 404.1225, Fla. Admin. Code 60BB-2.032, and Fla. Stat. §119.071(5)(a)6]
20. Unemployment benefits and short term compensation plan [Required by Fla. Stat. Ch. 443, including 443.1116, and Fla. Stat. §119.071(5)(a)6]
21. Unemployment reports from District [Required by Fla. Admin. Code 60BB-2.023 and Fla. Stat. §119.071(5)(a)6]
22. Income information disclosure to HUD [Required by federal regulation 24 C.F.R. 5.214 et seq. and Fla. Stat. §119.071(5)(a)6]

23. Vendors/Consultants that District reasonably believes would receive a 1099 form if a tax identification number is not provided Including for IRS form W-9. [Required by 26 C.F.R. §31.3406-0, 26 C.F.R. §301.6109-1, and Fla. Stat. §119.071(5)(a)2 & 6]
24. Tort claims and tort notices of claim against the School Board [Required by Fla. Stat. §768.28(6), and Fla. Stat. §119.071(5)(a)6]
25. Reporting to and reports of worker's compensation injury or death, including for DWC-1 [Required by Fla. Stat. §440.185 and Fla. Admin. Code 69L-3.003 et seq. and Fla. Stat. §119.071(5)(a)6]
26. Worker's compensation petitions for benefits and responses thereto [Authorized by Fla. Admin. Code 60Q-6.103 and Fla. Stat. §119.071(5)(a)6]
27. The disclosure of the social security number is for the purpose of the administration of health benefits for a District employee or his or her dependents [Required by Fla. Stat. §119.071(5)(a)6]
28. The disclosure of the social security number is for the purpose of the administration of a pension fund administered for the District employee's retirement fund, deferred compensation plan, or defined contribution plan [Required by Fla. Stat. §119.071(5)(a)6]
29. Use of motor vehicle information from the Department of Motor Vehicles for the District to carry out its functions and to verify the accuracy of information submitted by agent or employee to District, including to prevent fraud, in connection with insurance investigations, and to verify a commercial driver's license [Authorized allowed by federal law 18 U.S.C. 2721 et seq. and Fla. Stat. §119.071(5) (a) 6]
30. Authorization for direct deposit of funds by electronic or other medium to a payee's account [Required by Fla. Admin. Code 6A-1.0012 and Fla. Stat. §119.071(5)(a)6]
31. Identification of blood donors [Authorized by 42 U.S.C. 405(c)(2)(D)(i)]
32. Employee's and former employee's request for report of exposure to radiation [Authorized by 41 C.F.R. 50-204.33 and .3]
33. Collection and/or disclosure are imperative or necessary for the performance of the District's duties and responsibilities as prescribed by law, including but not limited for password identification to the District's network [Authorized by Fla. Stat. §119.071(5)(a)6 and required by Fla. Stat. §119.071(5)(a)2]
34. The disclosure of the social security number is expressly required by federal or state law or a court order [Required by Fla. Stat. §1012.56 and §119.071(5) (a)6]
35. The individual expressly consents in writing to the disclosure of his or her social security number [Allowed by Fla. Stat. §119.071(5)(a)6]
36. The disclosure of the social security number is made to prevent and combat terrorism to comply with the USA Patriot Act of 2001, Pub. L. No. 107-56, or Presidential Executive Order 13224 [Required by Fla. Stat. §119.071(5)(a)6]
37. The disclosure of the social security number is made to a commercial entity for the permissible uses set forth in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Sec. 2721 et seq.; the Fair Credit Reporting Act, 15 U.S.C. Sec. 1681 et seq.; or the Financial Services Modernization Act of 1999, 15 U.S.C. Sec. 6801 et seq., provided that the authorized commercial entity complies with the requirements of paragraph 5 in Fla. Stat. §119.071 [Allowed by Fla. Stat. §119.071(5)(a)6]
38. The disclosure of the social security number is for the purpose of the administration of the Uniform Commercial Code by the office of the Secretary of State [Required by Fla. Stat. §119.071(5)(a)6]

\*\*\* Note that this form states the reasons for collecting, using or releasing the social security numbers only of employees and individuals other than students, parents and volunteers. A separate written statement sets forth the reasons for collecting, using or releasing the social security numbers of students and parents, and a separate written statement exists for collecting, using or releasing the social security numbers of volunteers as part of the volunteer application.

Affirmative action/equal opportunity employer

Updated June 23, 2014

## **Emergency Plan for Faculty & Staff**

Protection Services has developed guidelines, “Incident Response Guide”, which replaced the (red) “Crisis Management Guidelines” document and these have been delivered to each school/department. The (blue) “Medical Emergencies Guidelines” document will remain in place.

### **Workers’ Compensation Procedures Procedures for Medical Care Under Workers’ Compensation**

1. I understand that my employer has an arrangement for the treatment of job-related injuries or illnesses. The company responsible for directing the care is CORVEL.
2. I understand that for life threatening emergencies, someone should call 9-1-1. Otherwise, if I am injured on the job, I am to report this to my supervisor immediately. Either my supervisor or I must call CORVEL toll-free at 1-800-906-4461 for treatment authorization.
3. I understand that for job-related injuries:
  - I must go to the physician(s), clinic(s), or facilities assigned by CORVEL except for medical emergencies.
  - CORVEL will authorize all hospital admissions, surgeries, physician visits, and other necessary medical care. If a service is not authorized, it will not be covered under my employer's workers' compensation policy.
  - I understand that I am to receive medical treatment from a CORVEL-approved provider and that failure to do so will make me responsible for the payment of medical expenses incurred.
  - I can call CORVEL at 1-866-494-6631, 24 hours a day, seven days a week, with any questions.
  - I shall be required to take a post-accident/injury alcohol and drug test. If I test positive, I may be subject to discipline and may lose benefits under workers' compensation and any claim(s) for unemployment may be denied.
4. I understand that my employer has a light-duty return-to-work policy for injured employees under workers’ compensation. CORVEL treating physicians will coordinate my return to the job as soon as possible. I understand that normal duties may be modified to accommodate my condition and any such modifications will be consistent with any applicable legally imposed requirements.
5. I authorize CORVEL, my treating provider, the drug testing laboratory or MRO, their designee, officers, agents, or employers, to release medical information, including drug test results, to each other as appropriate, or a third party, in connection with any proceeding that results from an accident or injury to which I am involved.

**ADDITIONAL INFORMATION (ACCIDENT REPORTING, TREATMENT AUTHORIZATION, EMPLOYEE RIGHTS, FRAUD STATEMENT/WARNING, EMPLOYEE RESPONSIBILITIES, FAQ, FORMS, ETC.) FOR THE INJURED WORKER AND SUPERVISOR IS AVAILABLE ON THE DISTRICT’S RISK MANAGEMENT AND BENEFIT WEBSITE UNDER THE MENU TITLE “WORKERS’ COMPENSATION” AT THE FOLLOWING LINK:**

<https://www.escambiaschools.org/Page/1038>

## THE SCHOOL DISTRICT OF ESCAMBIA COUNTY



# HIPAA NOTICE

The privacy provisions of the federal law, the **Health Insurance Portability and Accountability Act of 1996 (HIPAA)**, establish standards to protect the confidentiality of a person's protected health information (PHI). The privacy rule applies to everyone, not just human resources and benefits administration.

The Escambia County School District (ECSD) is committed to protecting the privacy of members' health information and complying with applicable federal and state laws that protect the privacy and security of members' health information. The Superintendent or designee will serve as the Escambia County School District Privacy Officer. The Superintendent or designee will develop procedures to protect certain confidential health information known as protected health information or PHI. An employee's PHI will not be used or disclosed without a written authorization from the employee, except as permitted by federal and state information privacy laws. For employee benefits, the Privacy Officer is listed below.

### Our Privacy Pledge

Our privacy policy and practices will protect certain confidential health information known as "protected health information" (PHI). An employee's PHI will not be used or disclosed without written authorization from the employee, except as permitted by federal and state health information privacy laws.

### What does the HIPAA Privacy Rule protect?

The HIPAA Privacy Rule protects the privacy of health information obtained or created by covered entities (e.g., health plans, health plan providers, and health care administrators). In addition, the HIPAA Privacy Rule was designed to prevent health information from being used against employees by their employers for employment-related purposes.

### What Is Protected Health Information (PHI)?

Protected health information (PHI) is any information that describes the past, present, or future physical or mental health or the condition of an employee, the provision of health care to an individual, or the payment of a past, present, or future health care claim. This information can take any form—written on paper, displayed or stored in a computer, or spoken in conversation.

### Which benefit plans are covered by the HIPAA Privacy Rule?

The HIPAA Privacy Rule covers the following benefits plans:

- Medical plans (including prescription drug and mental health)
- Dental Plans
- Vision Plan
- Health Care Reimbursement Account (HCRA)
- Employee Assistance Program (EAP)
- Patient Services acquired at the District Health Center

### What Is PHI?

PHI is health information that can identify a person and shows:

- Date of birth
- Gender
- Medical records number
- Health plan numbers
- Address, ZIP code
- Phone number, e-mail address, fax number, IP address
- License numbers
- Full face photographic images
- Social Security number

### When is individual authorization required for disclosure of health information?

Covered entities must obtain an individual's authorization to use or disclose that person's protected health information for non-routine purposes, such as for employment decisions and eligibility or enrollment determinations, or other non-health purposes. Individual authorization is *not* required for routine use or disclosure. This allows health plans, health care clearinghouses, and health care providers to use and disclose health information for routine health care treatment, payment, or health plan operations without first obtaining a patient's authorization. Under HIPAA, an authorization is an individual's permission for a Covered Entity to use PHI for specified purposes, other than for payment, treatment, or operations, or to disclose PHI to a third party.

**When does the Privacy Rule *not* apply? When can I disclose PHI?**

The HIPAA Privacy Rule covers our day-to-day processes and procedures, departmental operations, and information technology methods. Specifically, we must:

- Ensure that the insurance carriers or ECSD provide a notice to new employees and participants of the covered health plans that describe their privacy rights and how PHI may be used or disclosed.
- Ensure compliance with HIPAA policies and procedures to safeguard the PHI we maintain or are able to access.
- Inform employees who have questions about the HIPAA policies or procedures to contact the Employee Benefits Privacy Officer who is responsible for ensuring the Privacy Rule is followed.
- Train new employees on the HIPAA policies and procedures and their PHI rights.
- Ensure that our plans are compliant, and that we have obtained assurances from our business associates that they have compliant policies and procedures in place regarding the PHI of our employees and plan participants.
- Review the collection, storage, and use of PHI within our day-to-day operations.
- Monitor safeguards to protect the privacy of PHI. Potential safeguards include:
  - Administrative safeguards such as procedures for the monitoring of our internal flow of PHI and enforcement of complaint and discipline policies;
  - Technical safeguards such as computer firewalls; and,
  - Physical safeguards such as locking doors and filing cabinets and restricting access to spaces where PHI is stored.

<b>Who can I contact for additional information?</b>	
<b>Function</b>	<b>Contact Information</b>
<p>Employee Benefits Privacy Officer</p> <ul style="list-style-type: none"> <li>▪ Implements and oversees HIPAA privacy policies and procedures, including all activities related to the development, implementation, maintenance of and adherence to safeguarding PHI</li> <li>▪ Ensures compliance with HIPAA and all other federal and state rules and regulations pertaining to use and release of PHI</li> <li>▪ Acts as internal resource for questions about the HIPAA Privacy Rule and for additional technical training for designated individuals</li> </ul>	<p><b><i>Employee Benefits Plans Only:</i></b>                      Kevin Windham                      Director of Risk Management                      75 North Pace Boulevard                      Pensacola, FL 32505                      (850) 469-6218</p> <p><b><i>All Other:</i></b>                      Kelly Krostag                      Assistant Superintendent for Human Resources                      HIPAA Compliance Officer                      75 North Pace Boulevard                      Pensacola, FL 32505                      (850) 439-2220</p>

This notice provides an overview of the HIPAA Privacy Rule and broadly describes how this regulation will affect how the Escambia County School District handles employee health information from our health care plans. This information is not intended to provide all of the details of the HIPAA Privacy Rule or of ECSD policies and procedures. If there is any discrepancy between the provisions of the HIPAA Privacy Rule and this notice the HIPAA Privacy Rule will govern.



## **Harassment Reporting and Action Procedures**

1. The School District Policy will be posted on bulletin boards in all facilities. Principals and administrators should distribute copies of the harassment policy to all employees at least once a year and emphasize that harassment will not be tolerated in the workplace.
2. Notify all employees that sexual harassment complaints will be reported through the Human Resources Department by telephone and a written notification will follow. This procedure does not prohibit you from seeking outside agencies and attorneys.
3. Advise all personnel, by posting and bulletin board announcements, that the Assistant Superintendent of Human Resource Services is responsible for the investigation of all harassment complaints.
4. The investigation may be done by school personnel, Human Resource Services personnel, Risk Management personnel, or others depending upon the circumstances of the case, and will be reported in a timely manner.
5. If the harassment involves a student, the method of reporting may be to a teacher, counselor, dean, coach(es), assistant principal, principal, or to the Assistant Superintendent of Human Resource Services.
6. If the complainant is an employee, the method of reporting may be to his/her immediate supervisor, the next line of supervision or directly to the Assistant Superintendent of Human Resource Services at (850) 439-2220, or by calling 1 (855) 819-1248 or online at <https://reportlineweb.com/escambia>.
7. Each case will be investigated thoroughly and, if harassment did occur, appropriate action will be taken.
8. The results of all investigations will be made in a detailed report to the Superintendent.

## **Right-To-Know / Hazard Communications**

The Escambia County School District will comply with the **Florida Right-to-Know Requirements** in Chapter 252, Florida Statutes, and Florida Administrative Code. These requirements state that the Right-To-Know Poster must be posted in a place for all employees to review. This includes 29 CFR 1910.1200 **Hazard Communication**, 29 CFR 1910.1020 **Access to Employee Exposure and Medical Records**, and annual training requirements relating to chemicals in the workplace, personal protective equipment, and emergency planning. If you have any questions concerning the Florida Right-To-Know or the Hazard Communication Program, contact Protection Services at (850) 439-2638.

## **Asbestos Hazard Emergency Response Act**

To all employees who work in the schools and buildings under the jurisdiction of the Escambia County School Board: In October 1986, the Asbestos Hazard Emergency Response Act (AHERA) was signed into law. Included in this Act are guidelines for the Environmental Protection Agency (EPA) to establish rules regarding asbestos-containing materials (ACMs) in schools. Specifically, EPA was instructed to address the issues of (1) identifying, (2) evaluating, and (3) controlling ACMs in schools. The final AHERA regulations (rules) became effective December 14, 1987. They are found in 40 CFR 763 Subpart E 763.80-763.99 and have authority under the Toxic Substances Control Act (TSCA).

The School District of Escambia County has available for review and inspection the asbestos management plans for all schools and buildings under the jurisdiction of the Escambia County School Board. The District's plans contain information regarding inspections, abatement activity, response actions, and post-response actions. These plans are available for public review and inspection at each District facility and will be made available upon request through Facilities Planning at (850) 469-5662.

## **DRUG-FREE WORKPLACE POLICY (School Board Rule 2.37)**

- (1) Personnel shall not manufacture, distribute, dispense, possess, be under the influence of, or use alcohol and/or a controlled or harmful substance (as defined in Chapters 893 and 877.111, F.S.) on or in the workplace. This includes but is not limited to any alcoholic substance, any intoxicating or auditory, visual or mental altering chemical or substance or narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled or harmful chemical substance, as defined by federal or state laws or rules, or any counterfeit of such drugs or substances all being collectively referred to as drugs.
- (2) Workplace is defined as the site for the performance of work done in connection with employment. That includes, but is not limited to, any school building or any school premises, any vehicle used to transport students to and from school and school activities off Board property during any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the Board.
- (3) As a condition of employment, each employee shall notify his or her supervisor of his or her conviction of any criminal drug or harmful chemical substance statute no later than five (5) days after such conviction. (Also see 2.43, S.B.R., Self-Reporting of Arrests and Convictions by Employees) An employee who violates the terms of this policy may be non-renewed or his or her employment may be suspended or terminated. However, at the discretion of the Board, such employee may be allowed to satisfactorily participate in and complete a substance abuse assistance or rehabilitation program approved by the Board in lieu of a non-renewal, suspension, or termination. Sanctions and discipline against personnel, including non-renewal, suspension, and termination, shall be in accordance with prescribed Board procedures and shall be commenced within thirty (30) days of receiving notice of an employee's conviction. Within ten (10) days of receiving notice of an employee's conviction in violation of this rule, the Superintendent shall notify the State Department of Education when applicable.
- (4) Pursuant to Section 440.102, F.S., a drug-free awareness program is hereby established and is to be implemented by the Superintendent to inform personnel of the dangers of drug abuse in the workplace, of the Board's policy on maintaining a drug-free workplace, of available drug counseling, rehabilitation, and assistance programs; and of the penalties to be imposed up to termination, for drug abuse violations. As a part of this program, all personnel and applicants for employment shall be given notice of the Board's policy regarding the maintenance of a drug-free workplace in the following form:

### **NOTICE TO EMPLOYEES REGARDING DRUG-FREE WORKPLACE PROGRAM**

**YOU ARE HEREBY NOTIFIED** that it is a condition of employment that you refrain from the use of illegal drugs or the abuse of legal drugs or harmful chemical substances on or off the job. As part of the Drug-Free Workplace Program the Board has instituted a drug-testing program. It is a violation of the policy of the Board for any employee to manufacture, distribute, dispense, possess, or use illegal drugs, whether in the workplace or away from the workplace including non-working hours. It is also a violation of the policy of the Board of being under the influence of, or use of alcohol and/or a controlled and/or harmful substance (as defined in Chapters 893 or 877.111, F.S.) on or in the workplace. This includes but is not limited to any alcoholic substance, any intoxicating or auditory, visual, or mental altering chemical or substance, or narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined by federal or state laws or rules, or any counterfeit of such drugs or substances all being collectively referred to as drugs or harmful chemical substances. Lawful consumption of alcohol during non-working hours and away from the workplace that does not adversely impact the employee's work performance or fitness for duty is not a violation of the Board's Drug-Free Workplace Program. All employees are subject to drug/alcohol testing. Refusal to submit to a drug/alcohol test may subject the employee to termination and, where on-the-job injury is at issue, loss of workers' compensation medical and indemnity benefits. The Drug-Free Workplace Program adopted by the Board authorizes the following types of drug tests:

- A. Pre-Employment Screening. An employer must require a candidate for employment to submit to a drug test. The employer may use a refusal to submit to a drug test or a confirmed positive drug test as a basis for denial of employment.
- B. Reasonable Suspicion. An employer must require an employee to submit to reasonable suspicion drug testing.
- C. Routine Fitness For Duty. An employer must require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness- for-duty medical examination that is part of the employer's established policy or that is scheduled routinely for all members of an employment classification or group.
- D. Follow-up. If the employee in the course of employment enters an employee assistance program for drug-related problems or an alcohol and drug rehabilitation program, the employer must require the employee to submit to a drug test as a follow-up to such programs and on a quarterly, semiannual, or annual basis for up to two (2) years thereafter.
- E. On-the-job Injury. If the employee is injured in the course of employment the employee shall be required to submit to a drug test. Necessary medical care will not be denied pending completion of, or submission to, a drug test.
- F. Post-accident. If an employee operating a District vehicle is involved in an at- fault traffic accident satisfying the parameters defined in the Transportation Department SOP entitled, "Post-Accident Drug/Alcohol Testing," which requirements are incorporated herein by reference, the employee shall be required to submit to a drug/alcohol test. Necessary medical care will not be denied pending completing of, or submission to, a drug test.

All information, interviews, reports, statements, memoranda and drug test results, written or otherwise, received or produced as a result of a drug testing program are confidential communications, but may be used or received in evidence, obtained in discovery or disclosed in any public or private proceedings, as authorized by law.

Employees may confidentially report the use of prescription or non-prescription medications, both before and after being tested. The reports of the use of prescription drugs should include a copy of the medical prescription. Reports may be made to the employee's supervisor, principal or director. Reports must be in writing identifying the use of prescription or nonprescription medications. Attached to this notice is a list of the most common drugs or medications by brand name or common name, as applicable as well as by chemical name, which may alter or affect a drug test. (See Attachment "A")

The Board has instituted an employee assistance program providing alcohol and drug rehabilitation. Employees seeking information or assistance through the program should contact the Director of Risk Management for further information.

Pursuant to Section 440.102(3)(a)8, F.S., an employee or job applicant who receives a positive confirmed drug test may contest or explain the result to the medical review officer (MRO) within five (5) working days after written notification of the positive test. If an employee or job applicant's explanation or challenge is unsatisfactory to the MRO, the MRO shall report a positive test result back to the employer. A person may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration. (See Attachment "B")

The employee or job applicant has the right to consult the testing laboratory for technical information regarding prescription or nonprescription medication. A list of drugs for which the employer will test, described by brand names or common names as applicable, as well as by chemical names, is attached to this notice. (See Attachment "C")

In addition to the right of the employee to challenge or contest the results of any drug test, the employee has the right to appeal to the Public Employees Relations Commission or applicable court and may have additional rights under a collective bargaining agreement, if any. Questions regarding the collective bargaining agreement may be directed to the appropriate bargaining unit representative.

The Board is required to report an employee conviction of drug violations occurring in the workplace to the State Department of Education within ten (10) days of receiving such notice, when applicable, and is also required to commence disciplinary action against such employee within thirty (30) days of receipt of the notice of violation.

## ATTACHMENT "A"

### OVER-THE-COUNTER AND PRESCRIPTION DRUGS WHICH COULD AFFECT THE OUTCOME OF A DRUG TEST:

**ALCOHOL** - All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vicks Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

**AMPHETAMINES** - Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex

**CANNABINOIDS** - Marinol (Dronabinol, THC) **COCAINE** - Cocaine HCl topical solution (Roxanne)

**PHENCYCLIDINE** - Not legal by prescription. **METHAQUALONE** - Not legal by prescription.

**OPIATES** - Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, etc.

**BARBITURATES** - Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.

**BENZODIAZEPINES** - Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrex, etc.

**METHADONE** - Dolphine, Methadose

**PROPOXYPHENE** - Darvocet, Darvon N, Dolene, etc.

## ATTACHMENT "B" CHALLENGES TO TEST RESULTS

- (1) A requirement of the Drug-Free Workplace Program is that within five (5) working days after receiving notice of a positive confirmed test result, the employee or job applicant must be allowed to submit information to the MRO explaining or contesting the test results. If an employee's or job applicant's explanation or challenge of the positive test result is unsatisfactory to the MRO, within fifteen (15) days of receipt of the explanation or challenge, a written explanation as to why the employee's or job applicant's explanation is unsatisfactory along with the report of positive results, shall be provided by the employer to the employee or job applicant. All such documentation shall be kept confidential by the employer and shall be retained by the employer for at least one (1) year.
- (2) An employee or job applicant may undertake an administrative challenge by filing a claim for benefits with a judge of compensation claims pursuant to Chapter 440, F.S. If no workplace injury has occurred, the person must challenge the test result in a court of competent jurisdiction. When an employee or job applicant undertakes a challenge to the results of a test, it shall be the employee's or job applicant's responsibility to notify the laboratory and the sample shall be retained by the laboratory until the case is settled.

## ATTACHMENT "C"

### DRUGS FOR WHICH THE EMPLOYER WILL TEST

Alcohol

Amphetamines

Cannabinoids

Cocaine

Phencyclidine

Methaqualone

Opiates

Barbiturates

Benzodiazepines

Synthetic Narcotics: Methadone, Propoxyphene

Rulemaking Authority: Sections 1001.41; 1012.22; 1012.23; 1012.27, F.S.

Laws Implemented: Sections 435.04; 440.102; 1001.10; 1001.41; 1001.43; 1012.795, F.S.

History: New 11/27/90. Revised/Amended 10/27/92; 08/27/96; 11/20/01; 06/20/06; 02/15/11; 01/22/13; 11/19/13; 04/18/17.

**(Policy suspended from 7/1/2022 - 1/1/2024)**  
**~~TOBACCO/COTININE/NICOTINE-FREE HIRING POLICY~~**  
**(School Board Rule 2.47)**

- ~~(1) — The School District is committed to promoting health, wellness, and disease prevention within the community and to providing a safe, clean, and healthy environment for our employees and citizens. The use of tobacco/cotinine/nicotine products is a known and established hazard to the health and well-being of those who use them as well as those around them. The health problems created by the use of these products contribute to the increase in health care costs and the rise in insurance premiums. Use of tobacco/cotinine/nicotine products has been shown to decrease employee productivity and efficiency, and increase absenteeism. It is in recognition of these factors that the District is taking measures to develop a tobacco/cotinine/nicotine free workforce. The School Board hereby establishes a tobacco/cotinine/nicotine free hiring policy for all individuals applying for any position which qualifies for insurance benefits within the District. It is the intent of this policy that employees hired in insurance benefit eligible positions after the effective date of this policy must successfully pass a tobacco/cotinine/nicotine test and remain tobacco/cotinine/nicotine free for the duration of their employment.~~
- ~~(2) — For the purposes of this policy, tobacco/cotinine/nicotine is defined to include any products that may include tobacco/nicotine and are intended or expected for human use or consumption, including but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi cigarette, clove cigarette, hookah, and any other smoking product; and spit tobacco, also known as smokeless, dip, chew and snuff, twist in any form (i.e. lozenges, strips, patches, pouches, pills, etc.), to also include forms of electronic nicotine delivery system devices such as but not limited to e-cigarettes and vaping.~~
- ~~(3) — It is the responsibility of the applicant to recognize the use of tobacco/cotinine/nicotine products and the potential for an unfavorable test result. If an applicant receives an unfavorable test result for tobacco/cotinine/nicotine, the individual is not eligible for permanent employment for six (6) months following the test collection date. After six (6) months has passed, the applicant is eligible to reapply for permanent positions.~~

Rulemaking Authority: Sections 1001.41; 1001.42, F.S.

Laws Implemented: Sections 1001.42; 1001.43, F.S.

History: New: 06/21/11. Revised/Amended: 01/17/12; 04/23/13; 11/19/13; 04/18/17.

## **TOBACCO-FREE SCHOOL POLICY (School Board Rule 3.22)**

The School Board of Escambia County, Florida recognizes that the use of tobacco products is a health, safety, and environmental hazard for students, employees, visitors, and school facilities. The Board acknowledges that adult employees and visitors serve as role models for students and that the Board's acceptance of any use of tobacco products implies school approval, if not endorsement, of such use. In addition, the Board recognizes that it has an obligation to promote positive role models in schools and promote a healthy learning and working environment free from unwanted smoke for the students, employees, and visitors to the school campus. Finally, the Board recognizes that it has legal authority and an obligation pursuant to Section 386.209, F.S.

(1) **Tobacco Use Prohibited**

No student, staff member, or school visitor is permitted to use any tobacco product at any time, including non-school hours:

- A. In any building, facility, or vehicle that is owned, leased, rented, or chartered by the School District of Escambia County, Florida;
- B. On any school grounds/property - including athletic fields; and any parking lots that are owned, leased, rented, or chartered by the School District of Escambia County Florida; or
- C. At any school-sponsored or school-related event on-campus or off-campus. In addition, no student is permitted to possess a tobacco product. This policy may permit tobacco products to be included in instructional or research activities in a public school building if the activity is conducted or supervised by the faculty member overseeing the instruction or research activity and the activity does not include smoking, chewing, or otherwise ingesting the tobacco product.

(2) **Tobacco Products**

For the purposes of this policy, tobacco/cotinine/nicotine is defined to include any products that include tobacco/nicotine and are intended or expected for human use or consumption, including but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi cigarette, clove cigarette, hookah, and any other smoking product, and spit tobacco, also known as smokeless, dip, chew and snuff, in any form (i.e. lozenges, strips, pouches, etc.), to also include forms of electronic nicotine delivery system devices including but not limited to e-cigarettes and vaping.

(3) **School Grounds and Property**

School grounds and property means and includes land, school facilities, and school district vehicles including any used for the provision of academic and/or extracurricular programs. School grounds include playgrounds and recreational places. School grounds include that portion of land, school facilities and other facilities owned by the School District of Escambia County, Florida and municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land, school facilities, or other facilities for the provision of extracurricular programs.

(4) **Time of Day**

Any time means during normal school and non-school hours – 24 hours per day, 7 days per week.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Section 386.209, F.S.

History: New: 05/20/14. Revised/Amended: 12/12/17.

## **COMPENSATORY TIME**

School Board Policy 2.39 provides for the compensation of overtime hours in the form of compensatory time at the rate of one and one-half (1½) hours for each hour of work time for certain nonexempt employees who are required or directed to work by the appropriate supervisor for more than forty (40) hours per week. All other compensatory time granted shall be at the rate of one (1) hour for each hour of work time.

School Board Policy limits the accrual of compensatory time off to two hundred forty (240) hours per fiscal year and requires any additional overtime to be paid as compensation in the fiscal year.

Earning compensatory time requires prior approval. The accounting for compensatory time will be maintained by the appropriate supervisor in the system of record designated by the District.

## The Escambia County School District Employee Code of Ethics

All persons employed by the Escambia County School District, regardless of their particular job or role, have ethical responsibilities and obligations.

The governmental dimensions of these responsibilities impose duties inherent in public service including the promotion and protection of public trust and confidence, avoidance of conflicts of interest and appearances of impropriety, as well as careful and informed management of public fiscal resources. These duties must at all times guide the conduct of all employees who serve the School District.

The educational responsibilities of School District employees require that the educational and development interests of students must be of the highest priority. All School District employees should conduct themselves in a manner that promotes and supports the development of good character by teaching, enforcing, advocating and modeling ethical principles and values.

### CORE VALUES

The first and greatest concern of an employee shall be to promote the School District's mission that also reflects the District's commitment to the highest ethical standards.

It is the mission of the Escambia County School District to make a positive difference in students' lives and prepare them for lifelong learning. The Aims of the District are:

- Highest Student Achievement
- Safe Learning and Working Environment
- High Performing Work Force
- Efficient and Effective System

All School District employees are expected to acknowledge and accept responsibilities stated in this Code of Ethics, and interpret and apply them so as to create an environment that fosters public trust, personal and institutional integrity, high levels of competence and accountability and a positive atmosphere characterized by integrity, fairness, respect, and caring. As such, in carrying out the functions of their position, all employees are expected:

- To be free from bias or favoritism and to assume equitable opportunities and justice under the law.
- To be truthful and straightforward with one's self and others.
- To do as one says one will do, ethically and professionally.
- To honor our country by upholding the ideals and principles that serve the people and promote its well being.
- To hold in high regard the values of life, the dignity and worth of self and others, and an acceptance of others.
- To be faithful in the performance of duty, trustworthy and accountable for one's own actions.

### APPLICATION OF CODE OF ETHICS

This Code of Ethics applies to members of the School Board, Superintendent, and all employees. Unless otherwise stated, the term "employee" is used to refer to the Board, Superintendent, and all employees. All employees are expected to read and sign an acknowledgement that they have read and understand this Code of Ethics. A failure or refusal to sign the acknowledgement does not release an employee from compliance with the provisions of this Code of Ethics.

*School Board Rule: 1.20 Standards for School Board Members' Conduct; 2.05 Ethics*

### INTERPERSONAL RELATIONSHIPS

**Honesty and Integrity.** School District employees must conduct themselves in a manner that creates respect and justifies trust in their integrity, competency and devotion to the mission of the School District. School District employees shall demonstrate personal trustworthiness by being honest and avoiding any form of falsification, misrepresentation, deception or cheating.

*School Board Rule: 5.08(7) Fraudulent Claims*

**Atmosphere of Integrity.** A School District employee must strive to establish and uphold an atmosphere of integrity that encourages honesty and discourages all forms of dishonesty, deception or academic cheating. A School District



employee shall assure that all official actions affecting students and co-workers, including but not limited to the assignment of grades; conclusions and recommendations incorporated in formal assessments, determinations of eligibility for special programs; accessibility to particular classes, teachers and programs; and inclusion or exclusion from sports or other co-curricular activities, shall reflect adherence to the highest standards of integrity and fairness.

**Fairness.** A School District employee shall be fair, open-minded and impartial in exercising the employee's authority. A School District employee shall strive to assure that all actions promote fairness and equity for all employees, students and others affected.

**Maintaining a Respectful Environment.** The ability to resolve problems and work cooperatively as team members is often necessary to promote effectiveness. The cornerstone to a good working environment is respect. A School District employee shall strive to create and sustain a respectful, fair and caring environment by treating all persons including other District employees, students and parents with a high degree of respect by being civil and courteous and avoiding conduct that can reasonably be construed as abusive, rude or inappropriate.

**Exploitative or Abusive Conduct.** A School District employee shall strive to protect and safeguard the physical and mental well-being of all persons in the working environment. A School District employee shall treat students and other School District employees with respect, never engaging in conduct that could reasonably be construed as exploitative, physically intimidating, discriminatory, harassing (in a sexual nature or otherwise), or abusive. Language that relates to race, ethnicity, religion, national origin, sexual orientation, age, sex, or disability in a profane or joking way shall not be used in any job-related situation.

*School Board Rule: 1.17 Nondiscrimination; 2.05(6) Unlawful Discrimination and Harassment*

**Candor Regarding Working Relationships.** School District employees shall demonstrate a high degree of accountability by being candid and forthright in giving timely, complete and accurate information to help their supervisors and co-workers, to make informed and intelligent decisions.

## **IMPROPER CONDUCT**

**Avoiding Appearances of Impropriety Regarding Public Power or Resources.** School District employees are entrusted with stewardship over the Escambia County School System. In order to justify and maintain public trust and confidence in the integrity and competency of the School District, employees shall not engage in any conduct that involves misuse of funds, facilities, property, time or other public assets.

**Improper Use of Position.** School District employees shall use the authority, discretion, powers and resources arising from their public position only to advance public interests and not to attain personal or private gain or advantage for themselves or any other person. In dealing with personal matters, a School District employee shall not use official letterhead, title, or badge or otherwise refer to their position with the School District to induce or intimidate persons to resolve disputes more favorably, provide preferential treatment, or give gratuities, discounts, and favors or provide other unwarranted personal or private benefits.

**Unauthorized Use of District Facilities, Equipment, Supplies, and Materials.** School District employee shall neither use nor allow others to use for non-District purposes, District equipment, supplies or material, or engage in or allow conduct resulting in the unauthorized use of any District resource. Except for occasional and limited personal use that does not interfere with the performance of official duties or create an appearance of impropriety, a School District employee shall neither use nor allow others to use District facilities, equipment, supplies or materials for personal purposes.

*School Board Rule: 3.13(5)(B) Offenses Subject to Disciplinary Action; 5.06 Non-School Use of Educational Facilities; 5.07(7) Use of Driver Education Cars*

**Misuse of Time.** The time and services of all School District employees during working hours are assets of the District that should be used only for School District business. A School District employee shall avoid conducting personal business on District time.

**Misuse of Personnel.** A School District employee shall not direct, cause, induce or permit another District employee to perform personal services or confer a private benefit on District time. Employees who are asked or instructed to perform improper personal services shall refuse to do so and report the request or instruction to any supervisor with whom the employee feels comfortable or to the Assistant Superintendent of Human Resource Services. Supervisors

who receive such reports shall in turn report the matter to their staff level supervisor or directly to the Deputy Superintendent.

*School Board Rule: 2.36 Political Activities of Personnel*

**Misuse of Technology Resources.** A School District employee shall not improperly use computer and internet technology. Unacceptable uses of technology include use of District technology resources for personal use or gain, or any illegal use of such resources. Use of technology resources in any way that would reflect upon the District in a negative way is strictly prohibited. *School Board Rule: 4.09 District Information Systems*

**Examination of Records.** The School District reserves the right to review records to determine abuse of privileges relating to the use of District owned telephones (including cellular phones), pagers, computers (including internet access), copy machines, automobiles and/or transportation vehicles.

## **CONFLICTS OF INTEREST**

School District employees shall employ independent objective judgment in performing their duties, deciding all matters on the merits, free of partiality or prejudice and unimpeded by conflicts of interest or other improper influences. No School District employee shall engage in conduct that constitutes a Conflict of Interest, which shall be defined as use by an employee of any confidential information received through his or her employment for the private benefit of the employee, a member of the employee's immediate family (which includes for the purposes of this Code of Ethics the employee's spouse, domestic partner, parent, sibling and child), or a business with which the employee or a member of the employee's immediate family or business (partner, co-owner, co-worker, etc.) is associated.

**Financial Interest.** A School District employee shall not engage, or have any interest, financial or otherwise, directly or indirectly, in any business, transaction, or professional entity, either as a director, officer, partner, trustee, employee, or manager in that entity which conflicts with or impairs the proper discharge of official duties or which could bring disfavor or disrespect upon the employee of the School District.

**Contracting Decisions.** A School District employee shall not recommend, or otherwise participate in the decision to make any contract between the School District, including Student Activity Funds, and any business or entity in which the employee has a personal or financial interest.

*School Board Rule: 5.02(1) Purchasing Principles*

School District employees shall be deemed to have a financial conflict of interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect on:

- a. The employee's immediate family distinguishable from its effect on the public generally;
- b. Any business entity in which the employee or a member of the employee's family has a direct or indirect investment or in which the employee or a member of the employee's family is a director, officer, partner, trustee, employee, or holds any position of management;
- c. Any real property in which the employee or a member of the employee's immediate family has a direct or indirect interest;
- d. Any source of income for the employee or the employee's immediate family.

A School District employee who has a financial conflict of interest because of their relationship with a business must recuse him or herself from any decision concerning that entity including any decision to contract or not to contract with the entity and the administration of the contract.

**Honoraria.** A School District employee shall not accept an honoraria which represents a payment in recognition of published works, appearances, speeches and presentations when such work is produced or conducted during the course of performing work or activities for, or on behalf of the School District.

**Tutoring.** Tutoring is a learning or instructional activity which is not part of the assigned duties of instructional personnel. Instructional personnel shall neither tutor students for a fee on School Board property nor grant students credit or promotion for being tutored.

*School Board Rule: 2.05(3) Tutoring*

**Personal Advertisements.** A School District employee shall not advertise business or professional activities on School District property or use School District work hours, property or services to perform or promote personal or commercial enterprises or to campaign or raise money for any candidates for political office.

**Employee Publications.** A School District employee shall not participate in the review and approval of publications or materials for School District purchase if the officer or employee is the author/editor of or has any financial interest in the sale of such publications or materials.

**Referrals.** A School District employee shall not refer a parent or student to a service, service provider or product in return for anything of value. Officers or employees making referrals as part of their official duties shall make referrals to more than one provider of the service or product. For example, school counselors shall refer parents or students to more than one counselor or provider of medical services.

*School Board Rule: 2.05(5) Psychological or educational testing and/or evaluations of students for a fee by District personnel is prohibited.*

**Outside Income.** School District employees shall not accept any outside earned income in any situation where a reasonable person in the community could conclude that the receipt of the income would be inconsistent, incompatible or in conflict with their official duties.

*School Board Rule: 2.05(2) Non-School Employment*

**General Limitation on Solicitation.** A School District employee shall not solicit, directly or indirectly, any payments or other benefits under circumstances that would create in the mind of a fair-minded, reasonable person the belief that such payments or benefits were provided with the intent to improperly influence the employee's actions.

*School Board Rule: 3.12 Soliciting Personnel at School*

**Gifts and Gratuities.** The acceptance of gifts, payments or other benefits from those with whom the School District does business is or may be improper. A gift is defined as anything of value which is provided to the extent that payment or consideration of equal or greater value is not received in return including, but not limited to, tickets to sporting or cultural events, items of food, meals, use of facilities, forgiveness of debts, interests in real property, investments, or merchandise, or a rebate or discount (unless the discount or rebate is normally given to any School District employee). School District employees who are in the position to make or influence a decision to spend District funds shall not solicit or accept any personal gifts, favors or benefits of more than nominal value during a calendar year from any single person or organization that might benefit from the employee's decision. This provision does not apply to:

- a. Meals provided at an event at which the employee participates in a seminar or similar activity;
- b. Travel expenses and meals paid for by a local, state, federal government agency;
- c. Items received from a union representing the employee.

*School Board Rule: 3.08 Gifts to Personnel*

**Conflict of Interest Resolution.** In the event that a question of Conflict of Interest or the appearance of Conflict of Interest arises, the matter shall be referred to and investigated by the Assistant Superintendent of Human Resource Services who will report the results of the investigation to the Deputy Superintendent or Superintendent. Where appropriate, the Deputy Superintendent or Superintendent shall call all instances involving Conflict of Interest to the attention of the School Board with a recommendation as to how the conflict situation might best be resolved.

## **PERSONNEL MATTERS**

**Hiring and Promotion Decisions.** A School District employee who is in a position to make or influence hiring or promotion decisions shall strive to select the person whose job-related competency and character most closely matches the need of the work site/district as demonstrated by qualifications, experience, seniority and work history, and performance in official District selection processes.

**Supervising Relatives.** There is no prohibition against immediate family members working at the same facility or program. Nevertheless, where immediate family members work with each other in superior-subordinate situations, there can be an appearance of impropriety and serious morale issues can result. Accordingly, the hiring, appointment or transfer of an employee which creates such a situation is prohibited. Furthermore, no School District employee shall directly or indirectly recommend or advocate any personnel action that affects any immediate family member

employed at the School District or directly or indirectly cause or permit the employment of an immediate family member employed at the School District to be a consultant or employee at the School District.

*School Board Rule: 2.11 Fairness and Impartiality in the Supervision of Employees*

**Negotiations for Future Employment.** In order to avoid conflicts of interest and appearances of impropriety, a School District employee shall not discuss or negotiate the possibility of future employment with any person or organization (other than a government agency) that might be directly or indirectly benefited in a substantial way by any official action the employee might take while employed by the School District.

**Post Employment Restrictions; Revolving Door Limits; Contract Restrictions.** After leaving the District by resignation, retirement or termination, School District employees are restricted from providing certain types of services for a period of twelve (12) months. These restrictions are designed to prevent an unfair competitive advantage to companies hiring former School District employees. Upon separating from School District employment, former School District employees are restricted as follows from representing any individual or business entity before the School District for a period of one year:

- a. Former School District employees may not register as lobbyists and lobby the District for one (1) year after leaving District employment.
- b. The District shall not contract with former employees who, within the preceding twelve months, held a position of substantial responsibility in the area of service to be performed by the contract or participated in any way in developing the contract or its specifications.
- c. For the twelve months after a School District employee has left School District Employment, the District shall not contract with a business where the former School District employee held a position of substantial responsibility in the area of service to be performed by the contract or participated in any way in developing the contract or its specifications.
- d. School District employees shall not contract with a business which has a subcontractor which employs a current employee or a former School District employee who has left the District within the previous twelve months, and/or where the former School District employee serves as an officer, principal, partner, major shareholder or has been identified as a key personnel, and where the former School District employee held a position of substantial responsibility in the area of service to be performed by the contract or participated in any way in developing the contract or its specifications.

## **PROCUREMENT PROTOCOL**

School District employees must discharge their duties impartially so as to assure fair competitive access to School District procurement by responsible contractors. They should conduct themselves in such a manner as to foster public confidence in the integrity of the School District's procurement process.

*School Board Rule: 5.02(1) Purchasing Principles*

**Procurement Information.** A School District employee who has access to confidential information relating to contracts, construction, or procurement must maintain the confidentiality of such information and not disclose or use it for any purpose other than in the proper performance of the employee's job.

*School Board Rule: 5.02(8) Quantity Purchasing, Specifications, and Standardization; 5.02(1)(e) Purchasing Principles*

**Misrepresentations Prohibited.** No School District employee having official responsibility for a procurement transaction shall knowingly falsify, conceal, or misrepresent a material fact; knowingly make any false, fictitious or fraudulent statements or representations; or make or use any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry.

**Proscribed Participation by School District Employees in Procurement Transactions.** No School District employee having official responsibility for a procurement transaction shall participate in that transaction on behalf of the School District when the employee knows that:

- a. The School District employee or a member of the employee's immediate family has a financial interest pertaining to the procurement;
- b. A business or organization in which the School District employee, or a member of the School District employee's immediate family has a financial interest pertaining to the procurement; or

- c. Any other person, business, or organization with whom the School District employee or a member of the School District employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

**Solicitation or Acceptance of Gifts.** No School District employee having official responsibility for a procurement transaction shall solicit, demand, accept, or agree to accept from a bidder, offeror, contractor or subcontractor any payment, loan, subscription, advance, deposit or money, services or anything of more than nominal or minimal value, present or promised.

**Gifts by Bidders, Offerors, Contractors or Subcontractors.** No bidder, offer or, contractor, or subcontractor shall confer upon any public employee having official responsibility for a procurement transaction, any payment, loan, subscription, advance, deposit or money, services or anything of more than nominal value, present or promised.

**Kickbacks Prohibited.** It shall be a breach of ethical standards for any person to offer, give, or agree to give any School District employee or former School District employee, or for any School District employee or former School District employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request. This includes influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal thereof.

**Contemporaneous Employment Prohibited.** It shall be a breach of ethical standards for any School District employee who is participating directly or indirectly in the procurement process to become or be, while such a School District employee, the employee or agent of any contractor contracting with the School District.

**Disclosure of Subsequent Employment.** No School District employee or former School District employee having official responsibility for a procurement transaction shall accept employment with any bidder, offeror, or contractor with whom the employee or former employee dealt in an official capacity concerning procurement transactions for a period of one year from the cessation of employment by the public body unless the employee or former employee provides written notification to the Purchasing Director of the School District prior to commencement of employment by that bidder, offeror or contractor.

## **IMPROPER CONDUCT REGARDING STUDENTS**

**Improper Influence.** A School District employee shall neither engage in nor cooperate with any conduct intended to improperly influence the actions, grades or assessments of any administrator, teacher, counselor, coach or other employee who makes decisions affecting students. For example, money or personal favors should not be offered in exchange for a decision affecting a student's grades.

**Cheating and Improper Assistance.** A School District employee shall neither engage in, nor cooperate with, any conduct intended to improperly aid students in their performance on exams or participate in or allow actions designed to alter or falsify tests or grades.

**Avoiding Appearances of Impropriety Regarding Students.** School District employees are entrusted with the physical and emotional safety and well being of School District students. To justify and maintain this trust, School District employees shall not engage in any conduct that is likely to create in the minds of reasonable impartial observers the perception that a relationship or interaction with one or more students is abusive, exploitive or otherwise improper. Dating relationships between a School District employee and a student are strictly prohibited.

**Student Records and Personnel Files.** A School District employee must not use or disclose confidential, private or sensitive information acquired in the course of official duties relating to student performance and records, personnel files or other District records except in the proper performance of the employee's job and in accordance with existing law and school policy.

## **REPORTING IMPROPER CONDUCT**

School District employees shall protect students and safeguard the public's trust by reporting unethical, illegal or dangerous conduct to any supervisor with whom the employee feels comfortable or to the Assistant Superintendent of

Human Resource Services. Supervisors who receive such information shall report the matter to the Deputy Superintendent or the Assistant Superintendent of Human Resource Services. This obligation to report misconduct arises whenever a School District employee has personal knowledge that another employee's conduct constitutes:

- a. a violation of the law or this code;
- b. gross mismanagement;
- c. a significant waste of funds;
- d. an abuse of authority;
- e. a substantial and specific danger to public health or safety;
- f. other conduct that could injure the reputation of the District or subject it to liability;
- g. affecting health, safety and welfare of students.

A School District employee shall not file frivolous or unsubstantiated complaints regarding misconduct of other employees, nor shall they abuse the process by which misconduct may be reported.

Employees may report violations of the law or this code to a hotline. The number is 1 (855) 819-1248. Specific complaints about an employee would require that the person filing the complaint be verified, thus requiring the person filing the complaint to provide their name. They would be protected under *Florida Statutes: §112.3187, 39.203 and §768.095*

Complaints filed by or against a school, department or sub section of the School District would be investigated in accordance with *Florida Statute: §112.3189(5)(a)1.-6.*

**Prohibition of Retaliation.** School District employees shall not use or threaten to use official authority or influence to discourage, restrain or interfere with any other employee from reporting facts believed to constitute improper, unethical or illegal conduct nor shall they harass, punish or retaliate against any employee who has made a good faith complaint.

## **COMPLIANCE**

A School District employee shall uphold all laws and regulations of the United States and State of Florida and all other applicable government entities, and the policies, procedures, rules and regulations of the School District, including applicable collective bargaining agreements.

## **ENFORCEMENT**

Violations of this Code of Ethics may result in administrative or disciplinary actions including suspension or dismissal, as well as referral to appropriate authorities for civil and/or criminal prosecution. Determinations made with respect to potential violations of the Code of Ethics shall in no way supersede, preclude or replace any other legal action or grievance procedures under any applicable collective bargaining agreement that may be warranted by the conduct.

**HOTLINE: 1 (855) 819-1248**

**Online Reporting: <https://www.reportlineweb.com/escambia>**

Board Approved – 9/22/04; Revised – 7/17/07; Revised – 7/29/14 Hotline telephone number updated and Web addressed added; Revised – 7/14/15 School Board Rules checked and updated as appropriate; 8/13/2020 – Corrected scrivener's error under Contemporaneous Employment Prohibited.

## State Board Rule 6A-10.081, F.A.C.

### 6A-10.081 Principles of Professional Conduct for the Education Profession in Florida.

- (1) Florida educators shall be guided by the following ethical principles:
  - (a) The educator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.
  - (b) The educator's primary professional concern will always be for the student and for the development of the student's potential. The educator will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.
  - (c) Aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.
- (2) Florida educators shall comply with the following disciplinary principles. Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law.
  - (a) Obligation to the student requires that the individual:
    1. Shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
    2. Shall not unreasonably restrain a student from independent action in pursuit of learning.
    3. Shall not unreasonably deny a student access to diverse points of view.
    4. Shall not intentionally suppress or distort subject matter relevant to a student's academic program.
    5. Shall not intentionally expose a student to unnecessary embarrassment or disparagement.
    6. Shall not intentionally violate or deny a student's legal rights.
    7. Shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure that each student is protected from harassment or discrimination.
    8. Shall not exploit a relationship with a student for personal gain or advantage.
    9. Shall keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
  - (b) Obligation to the public requires that the individual:
    1. Shall take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.
    2. Shall not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.
    3. Shall not use institutional privileges for personal gain or advantage.
    4. Shall accept no gratuity, gift, or favor that might influence professional judgment.
    5. Shall offer no gratuity, gift, or favor to obtain special advantages.
  - (c) Obligation to the profession of education requires that the individual:
    1. Shall maintain honesty in all professional dealings.
    2. Shall not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background deny to a colleague professional benefits or advantages or participation in any professional organization.
    3. Shall not interfere with a colleague's exercise of political or civil rights and responsibilities.
    4. Shall not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable effort to assure that each individual is protected from such harassment or discrimination.

5. Shall not make malicious or intentionally false statements about a colleague.
6. Shall not use coercive means or promise special treatment to influence professional judgments of colleagues.
7. Shall not misrepresent one's own professional qualifications.
8. Shall not submit fraudulent information on any document in connection with professional activities.
9. Shall not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.
10. Shall not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.
11. Shall provide upon the request of the certificated individual a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.
12. Shall not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these Principles of Professional Conduct for the Education Profession in Florida and other applicable Florida Statutes and State Board of Education Rules.
13. Shall self-report within forty-eight (48) hours to appropriate authorities (as determined by district) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of Sections 943.0585(4)(c) and 943.059(4)(c), F.S.
14. Shall report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 1012.795(1), F.S.
15. Shall seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 1012.795(1), F.S.
16. Shall comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice.
17. Shall, as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

*Rulemaking Authority 1001.02, 1012.795(1)(j) FS. Law Implemented 1012.795 FS. History—New 7-6-82, Amended 12-20-83, Formerly 6B-1.06, Amended 8-10-92, 12-29-98, Formerly 6B-1.006, Amended 3-23-16.*



## **Employee Use of Social Media (*Excerpt from S.B.R. 2.05*)**

### **Purpose**

As a leader in using technology as an accelerator of learning, the District recognizes the value of teacher inquiry, investigation, and innovation using new technology tools to enhance the learning experience. The District also recognizes its obligation to teach and ensure responsible and safe use of these technologies.

This policy addresses employees' use of publicly available social media networks including: personal Web sites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, and any other social media. While the District takes no position on the employees' decision as to the legal and ethical participation in the use of social media networks for personal use on personal time, please be mindful of District and State Code of Ethics while online.

### **General Statement of Policy**

The District recognizes the importance of online social media networks as a communication and e-learning tool. Toward that end, the District provides password-protected social media tools for all District-approved technologies for e-learning and encourages use of District tools for collaboration by employees. However, public social media networks, outside of those sponsored by the District, may not be used for classroom instruction or school-sponsored activities without the prior authorization of the Superintendent or designee. It is in the employee's best interest to avoid posting any information or engaging in communications that violate state or federal laws or District policies.

The line between professional and personal relationships is blurred within a social media context. When employees choose to join or engage with District students, families, or fellow employees in a social media context they are advised to maintain their professionalism as District employees and to observe their responsibility for addressing inappropriate behavior or activity on these networks, including requirements for mandated reporting.

### **Requirements**

As set forth in the District's Vision, all employees are expected to serve as positive ambassadors for our schools and to remember they are role models to students in this community. Because readers of social media networks may view the employee as a representative of the schools and the District, it is in the employee's best interest to observe the following rules when referring to the District, its schools, students, programs, activities, employees, volunteers and communities on any social media networks:

1. It is in the employee's best interest when using any social media network or electronic communication (including texting) and postings, displays, or communications on any social media network, to comply with all state and federal laws and any applicable District policies. Following Florida Administrative Code 6A-10.081, it is in the employee's best interest to be respectful and professional in all communications (by word, image, or other means).
2. Employees should not use their District e-mail address for communications on public social media networks that have not been approved by the District. Employees must make clear that any views expressed are the employee's alone and do not necessarily reflect the views of the District. Employees may not act as a spokesperson for the District or post comments as a representative of the District, except as authorized by the Superintendent or designee.
3. Employees may not disclose information on any social media network that is protected by law, confidential or proprietary to the District, its students, or employees or that is protected by data privacy laws.
4. Employees may not use or post the District logo on any social media network without permission from the Superintendent or designee.

This policy will continually evolve as new technologies and social networking tools emerge. It is each employee's responsibility to be familiar with this policy. This policy is guided by the principle of personal responsibility and accountability, what you write is ultimately your responsibility. This policy is not intended to restrict your participation but rather to provide both a caution and guidance if you choose to engage in online activities.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Laws Implemented: Chapter 120, 440, and 1012 and Sections 39.203; 435.04; 768.095; 1000.05; 1001.10; 1001.32 to 1001.54; 1002.20; 1002.311; 1003.02; 1003.32; 1006.061; 1006.147, F.S.

History: New: 11/27/90. Revised/Amended: 02/22/94; 11/20/01; 09/23/03; 10/26/04; 05/17/05; 01/17/06; 10/21/08; 11/17/09; 02/15/11; 06/21/11; 11/19/13; 05/20/14; 05/19/15; 12/15/15; 04/18/17.

## **Staff Responsible Use Guidelines for Technology**

The Escambia County School District makes a variety of communications and information technologies available to District staff through computer/network/Internet access. These technologies, when properly used, promote educational excellence in the District by facilitating resource sharing, innovation, and communication. Illegal, unethical or inappropriate use of these technologies can have significant consequences, harming the District, its students and its staff. These Responsible Use Guidelines are intended to minimize the likelihood of such harm by educating District staff and setting standards that will serve to protect the District. The District firmly believes that digital resources, information, and interaction available on the computer/network/Internet far outweigh any disadvantages.

**Mandatory Review.** To educate District staff on proper computer/network/Internet use and conduct, users are required to review these guidelines at the beginning of each school year. All District staff shall be required to acknowledge receipt and understanding of all administrative regulations governing use of the system and shall agree in writing to allow monitoring of their use and to comply with such regulations and guidelines. “Staff” shall be used in this document to refer to all District employees, contracted staff, and volunteers.

### **Availability of Access**

**Acceptable Use.** Computer/Network/Internet access will be used to improve teaching and enhance learning consistent with the District’s educational goals. The District requires legal, ethical and appropriate computer/network/Internet use by all District staff.

**Access to Computer/Network/Internet.** Computer/Network/Internet access is provided to all District staff. All students will have access to the Internet unless parents request in writing that access be denied. Access to the District’s electronic communications system, including the Internet, shall be made available to staff primarily for instructional and administrative purposes and in accordance with standard operating procedures. Each District computer and public Wi-Fi (available for individuals who bring their own personal devices) has filtering software that blocks access to visual depictions and/or content that are obscene, pornographic, inappropriate, or harmful to minors, as defined by the federal Children’s Internet Protection Act (CIPA). Filtered Internet access is provided to students as defined by CIPA. Although the District uses an Internet filter to block inappropriate material, simply because something is not blocked does not mean that it is appropriate. Staff should report any inappropriate material to the Information Technology Department immediately.

Student Internet use is filtered more than staff use. Before requiring students to use online content, staff should confirm that the content is not blocked by the student Internet filter. Staff may request that sites deemed appropriate be unblocked for student use.

Limited personal use is permitted if the use imposes no tangible cost to the District, does not unduly burden the District’s computer or network resources, and has no adverse affect on a staff member’s job performance.

All nonstaff/nonstudent users must obtain approval from the principal or departmental head or designee to gain individual access to the District’s system.

Staff are required to maintain password confidentiality by not sharing their password with others and may not use another person’s system account.

Staff identified as a security risk or having violated the District’s Staff Responsible Use Guidelines may be denied access to the District’s system. Other consequences may also be assigned.

Staff who knowingly bring prohibited materials into the school’s electronic environment will be subject to disciplinary action in accordance with District policies.

**Subject to Monitoring.** All District computer/network/Internet usage shall not be considered confidential and is subject to monitoring by designated staff at any time to ensure appropriate use. Staff should not use the computer system to send, receive or store any information, including email messages, that they consider personal or confidential and wish to keep private. All electronic files, including email messages, transmitted through or stored in the computer system will be treated no differently than any other electronic file. The District reserves the right to access, review, copy, modify, delete or disclose such files for any purpose. Staff should treat the computer system like a shared or common file system with the expectation that electronic files, sent, received or stored anywhere in the computer system, will be available for review by any authorized representative of the District for any purpose. Personal devices are subject to examination in accordance with these guidelines.

**Use of Personal Cellular Devices.** The District will provide a filtered, wireless public network to which staff will be able to connect personal cellular devices for instructional and administrative functions. These devices are the sole responsibility of the staff owner. Staff may not download confidential, private, or sensitive information to personal devices (either cellular devices used at school or devices used at home). The campus or District assumes no responsibility for personal cellular devices if they are lost, loaned, damaged, or stolen and only limited time or resources will be spent trying to locate stolen or lost items. Each staff member is responsible for their own personal cellular device—set up, maintenance, charging, and security. District staff will not diagnose, repair, or install software on another staff member’s or student’s personal cellular device. Should inappropriate activities or a security breach be detected, appropriate District staff may examine the staff member’s device. Staff may not use personal desktops, laptops, or tablets at school.

#### **Staff Computer/Network/Internet Responsibilities**

Staff are responsible for their actions in accessing available resources. District staff are bound by all portions of the District’s Staff Responsible Use Guidelines. Staff who knowingly violate any portion of the Staff Responsible Use Guidelines will be subject to disciplinary action in accordance with District policies.

**Campus- and Departmental-Level Responsibilities.** The principal/department head or designee will

1. be responsible for disseminating and enforcing the District’s Staff and Student Responsible Use Guidelines at the campus or departmental level;
2. ensure that all staff users of the District’s system complete and sign to abide by District policies and administrative regulations regarding such use;
3. ensure that staff supervising students who use the District’s systems provide information emphasizing its appropriate, safe, and ethical use;
4. use the District’s student information system to identify students who do not have permission to use the Internet and inform staff who are responsible for these students that they do not have permission to use the Internet;
5. provide training to staff that supervise students on digital responsibility, digital citizenship, and appropriate use of technology resources.

**Teacher Responsibilities.** The teacher will

1. provide age-appropriate lessons in Internet safety, digital responsibility, and cyber security for students throughout the year;
2. review District computer/network/Internet responsibilities prior to gaining access to such system;
3. provide developmentally-appropriate guidance to students as they use electronic resources related to instructional goals;
4. check the District’s student information system to see who has been denied permission to use the Internet;
5. use computer/network/Internet in support of instructional goals;
6. provide alternate activities for students who do not have permission to use the Internet;
7. Provide a variety of comparable activities for students who do not bring their own device for sites using BYOD;
8. address student violations of the District’s Student Responsible Use Guidelines as defined in the *Student Rights and Responsibilities Handbook*;

9. monitor student users of the District's systems to ensure appropriate and ethical use.

**Escambia County School District Employee Code of Ethics.** District staff are expected to maintain appropriate conduct when accessing the communications and information technologies available through computer/network/Internet access. All staff must comply with the Escambia County School District Employee Code of Ethics, Social Media Policy, and the *Rules and Procedures of the District School Board of Escambia County Florida* at all times when accessing any part of the technology system.

Staff will guard and protect access to secure systems by

1. **protecting passwords and other similar authorization information.** Passwords are the primary way in which staff members are authenticated and allowed to use the District's computing resources. Staff will not disclose personal password(s) to any individual, including another staff member. Similarly, staff will not disclose other identifying information used to access specific system information, recognizing that if they do so, they will be held accountable for their actions as well as those of other parties to whom they have given access.

2. **guarding unauthorized use of resources.** Staff will not allow others to make use of their accounts or network access privileges to gain access to resources to which they would otherwise be denied.

3. **complying with security measures.** Staff must not utilize any hardware or software in an attempt to circumvent the security of any other system, whether internal or external to the District's systems and network. Examples of prohibited activities include (but are not limited to) web proxies, hot spots, bots, Trojan horses, password crackers, port security probes, network snoopers, IP spoofing, and intentional transmission of viruses or worms.

4. **protecting student's right to privacy.** Staff shall not violate the provisions of the Florida K-20 Education Code, or the Family Educational Rights and Privacy Act (FERPA) when dealing with a student's right to privacy. Staff shall not retain student data on personal devices.

5. **protecting employee's right to privacy.** Staff shall not violate the provisions of the Florida K-20 Education Code or the Health Insurance Portability and Accountability Acts (HIPAA) when dealing with an employee's right to privacy. Staff shall not retain employee data on personal devices.

6. **reporting suspicious activity.** Staff shall contact the IT Department at (850) 462-9493 if they have any suspicion that the District's systems have been compromised in any way.

- Compromised user accounts (an example might be needing to change your password when you have not received email notification that it must be changed)
- Computer system intrusion (an example might be believing that a change was made on your computer that you did not do)
- Ransomware infection (an example might be that you are not able to access a file that you should be able to access)
- Unauthorized access to, or use of, systems, software, or data (an example might be seeing others violate this policy)
- Loss or theft of District equipment used to store or work with confidential or sensitive data
- Interference with the intended use of IT resources

Computer/Network/Internet usage is subject to monitoring by designated staff at any time to ensure appropriate use. Electronic files sent, received or stored anywhere in the computer system are available for review by any authorized representative of the District for any purpose and may be subject to Florida public records law. Staff will affirm, in writing, that at all times their actions while using the District's system will not violate the law or the rules of network etiquette, will conform to the guidelines set forth in the Staff Responsible Use Guidelines, and will not violate or hamper the integrity or security of the District's technology system.

If a violation of the Staff Responsible Use Guidelines occurs, staff will be subject to one or more of the following actions

1. revocation of access;
2. disciplinary action;
3. loss of employment with the District; and/or
4. appropriate legal action.

**Use of Digital Tools.** Staff may participate in District-approved social media learning environments related to curricular projects or school activities and use digital tools, such as, but not limited to, mobile devices, blogs, discussion forums, podcasts, wikis, and on-line meeting sessions.

The use of blogs, wikis, podcasts, and other digital tools are considered an extension of the classroom. Verbal or written language that is considered inappropriate in the classroom is also inappropriate in all uses of blogs, wikis, podcasts, and other District-approved digital tools. Staff who use digital learning tools in their classrooms must monitor student actions to ensure compliance with the *Rights and Responsibilities Handbook*.

**Use of Digital Tools and Apps with Students.** The use of digital tools and apps such as, but not limited to, blogs, discussion forums, wikis, podcasts, are considered an extension of the classroom. Verbal or written language that is considered inappropriate in the classroom is also inappropriate in all uses of digital tools and apps. Staff who use digital learning tools and apps with students must monitor student actions to ensure compliance with the Student *Rights and Responsibilities Handbook* and Family Educational Rights and Privacy Acts (FERPA).

**Reporting Security Problem.** If knowledge of inappropriate material or a security problem on the computer/network/Internet is identified, the staff should immediately notify the District's Information Technology Department. The security problem should not be shared with others.

### **Inappropriate Use**

Inappropriate use includes, but is not limited to, those uses that violate the law, that are specifically named as violations in this document, that violate the rules of network etiquette, or that hamper the integrity or security of this computer/network/Internet system or any components that are connected to it. The following actions are examples of inappropriate uses and are prohibited:

**Modification of Computer.** Modifying or changing computer settings and/or internal or external configurations without appropriate permission is prohibited.

**Copyright.** Staff must always respect copyrights and trademarks of third-parties and their ownership claims in images, text, video and audio material, software, information and inventions. The copy, use, or transfer of others' materials without appropriate authorization is not allowed.

**Plagiarism.** Fraudulently altering or copying documents or files authored by another individual is prohibited.

**Impersonation.** Attempts to log on to the computer/network/Internet impersonating a system administrator or District staff, student, or individual other than oneself, could result in revocation of the staff member's access to computer/network/Internet.

**Illegally Accessing or Hacking Violations.** Intentional or unauthorized access or attempted access of any portion of the District's computer systems, networks, or private databases to view, obtain, manipulate, or transmit information, programs, or codes is prohibited.

**File/Data Violations.** Deleting, examining, copying, or modifying files and/or data belonging to other users, without their permission is prohibited.

**System Interference/Alteration.** Deliberate attempts to exceed, evade or change resource quotas are prohibited. The deliberate causing of network congestion through mass consumption of system resources is prohibited.

**Illegal Activities.** Engaging in illegal activities (defined as violations of local, state, and/or federal laws) is prohibited.

**Inappropriate Content.** Using, viewing, downloading, copying, sending, posting, or accessing obscene, profane, lewd, vulgar, or threatening communications, language, images, or video is prohibited. Using, viewing, downloading, copying, sending, posting, or accessing material that advocates illegal acts, violence, or discrimination towards others is prohibited.

**Harassment.** Harassing, intimidating, or bullying another person is prohibited.

**Defamation.** Posting messages that are false or defame or libel any person or organization is prohibited.

**Personal Financial Gain.** Use of technology resources for commercial purposes or personal financial gain is prohibited.

**Political Purposes.** Use of District resources for political lobbying purposes is prohibited.

**District Procedures.** Engaging in activities that violate the District's mission, goals, policies, or procedures is prohibited.

#### **Email and Communication Tools**

Email and other digital tools such as, but not limited to blogs and wikis, are tools used to communicate. The use of these communication tools shall be limited to instructional, school-related activities, or administrative needs.

Identified staff will be issued email accounts. Staff should check email frequently, delete unneeded messages promptly, and stay within the email server space allocations.

Staff shall keep the following points in mind:

**Perceived Representation.** Using school-related email addresses, blogs, wikis, and other communication tools might cause some recipients or other readers of the email to assume that the staff member's comments represent the District or school, whether or not that was the staff member's intention.

The District email account shall be used for professional communication. The social media tools that are associated with the District's email account shall be for professional use.

**Privacy.** Email, blogs, wikis, and other communication within these tools shall not be considered a private, personal form of communication. Private information, such as home addresses, phone numbers, last names, pictures, or email addresses, shall not be divulged. To avoid disclosing email addresses that are protected, all email communications to multiple recipients shall be sent using the blind carbon copy (bcc) feature, if applicable.

**Junk Mail/Chain Letters.** Staff shall refrain from forwarding emails which do not relate to the educational purposes of the District. Chain letters or other email intended for forwarding or distributing to others is prohibited. Creating, distributing or forwarding any annoying or unnecessary message to a large number of people (spamming) is also prohibited.

**Using a Personal Hot Spot to Bypass Web Content Filter.** Intentional use of a personal hot spot to bypass the web content filter is prohibited.

## **District Web Contributor Responsibilities**

The purpose of District Web sites is to communicate campus, department, and District activities and information to District Web patrons and staff. Official school and District Web sites shall be hosted on a District Web server or a District managed hosting service. All staff creating/editing content for display on District Web servers are considered District Web-content contributors.

The District's Information Technology Department is responsible for ensuring that all Web-site content conforms to the guidelines described below, as well the District's overall communications objectives. As such, the Department reserves the right to alter or delete any content contained on a District Web site in order to ensure that it conforms with both Web-site guidelines and the District's communications objectives.

### **Content Issues**

For the requirements below, "content" is defined as text, graphics, media, or other information that is visible and/or audible on a District Web page.

- All content must be approved by principals/department heads or their designees before being posted.
- If any content and/or file on the District Web site exhibits any of the following conditions or presents any of the following problems, the individual responsible for that content will be asked to eliminate the offending condition within a reasonable amount of time. If the condition is not corrected after a reasonable amount of time, the District's Information Technology Department will take action to rectify the situation. Staff who knowingly violate (or promote the violation of) any portion of these guidelines will be subject to disciplinary action in accordance with District policies. Content shall not be displayed if it:
  - ❖ Contains questionable and/or inappropriate material and/or themes.
  - ❖ Is of a personal nature.
  - ❖ Includes commercial, trademarked, and/or copyrighted material without the express written consent of the "owner" of the content. If consent is obtained, the proper trademark/copyright symbol and/or owner's credits must be displayed.
  - ❖ Is out-of-date or inaccurate.
  - ❖ Contains hyperlinks that do not return an active Web page and displays a "Page Not Found".
  - ❖ Contains hyperlinks that do not return a document and displays a "Page Not Found".
- Staff should only use District Web sites to post class information; however, staff are allowed to post information related to curriculum projects using District-approved blog and wiki sites.
- Non-District email addresses, non-District mailing addresses, and non-District phone numbers will not be disclosed on District/campus Web sites.

### **Display of Student Information on the Internet**

The following conditions apply to the display of student information on District Web sites. A content contributor who violates (or promotes the violation of) any portion of these guidelines will be subject to disciplinary action in accordance with District policies.

- Student-created projects, writings, and/or artwork are permitted on campus/District Web sites, or District-approved blog and wiki sites, if the appropriate parental consent has not been denied.
- Student photographs and names are permitted if the appropriate parental consent has not been denied.
- No personal student information may be publicly posted on a District Web site. Information or any combination of information that facilitates identification of a student or which provides the physical location of a student at a given time at a particular school or activity may not be included.

### **Hyperlinks**

The following requirements must be met to utilize hyperlinks on any District Web page. If these conditions are not met, the individual responsible for those hyperlinks will be asked to eliminate the offending condition within a reasonable amount of time, after which the District's Information Technology Department will take action to rectify the situation. If the condition is a violation of (or promotes the violation of) any District policy or regulation or any local, state, or federal regulation or law, immediate disciplinary action of the individual responsible for the content and/or file may be recommended.

- Hyperlinks to all external (non-District) Web sites should open those Web sites in a new window.
- Hyperlinks to external (non-District) Web sites are only allowed where the content in those Web sites support and/or enhance learning, academic knowledge, and/or provide information necessary to provide service to District Web patrons. However, if the content in these Web sites is judged unsuitable at any time, the hyperlink to the site will be removed.
- Hyperlinks to Web sites whose content is prohibited by the District’s Web filtering system are prohibited.
- Hyperlinks to District staff or volunteer personal Web sites are prohibited.
- Hyperlinks to personal student Web sites are prohibited.

### **Special Features**

Special Web-site features that will not be allowed on District Web sites include, but are not limited to, executable programs or applets.

### **Consequences of Agreement Violation**

Any attempt to violate the provisions of this agreement may result in revocation of the staff member’s access to the computer/network/Internet, regardless of the success or failure of the attempt. In addition, school disciplinary action and/or appropriate legal action may be taken.

**Denial, Revocation, or Suspension of Access Privileges.** The System Administrator and/or building principal, may deny, revoke, or suspend computer/network/Internet access as required, pending an investigation.

### **Warning**

Sites accessible via the computer/network/Internet may contain material that is illegal, defamatory, inaccurate or controversial. Each District computer with Internet access has filtering software that blocks access to sites that are obscene, pornographic, inappropriate for students, or harmful to minors, as defined by the federal Children’s Internet Protection Act. The District makes every effort to limit access to objectionable material; however, controlling all such materials on the computer/network/Internet is impossible, even with filtering in place. With global access to computers and people, a risk exists that students may access material that may not be of educational value in the school setting.

### **Disclaimer**

The District’s system is provided on an “as is, as available” basis. The District does not make any warranties, whether express or implied, including, without limitation, those of merchantability and fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein. The District does not guarantee that the functions or services performed by, or that the information or software contained on the system will meet the staff member’s requirements, or that the system will be uninterrupted or error free, or that defects will be corrected.

Opinions, advice, services, and all other information expressed by system users, information providers, service providers, or other third-party individuals in the system are those of the providers and not the District.

The District will cooperate fully with local, state, or federal officials in any investigation concerning or relating to misuse of the District’s electronic communications system.



## **Addendum I Email Retention**

Electronic mail is subject to the same access and retention requirements as other public records covered by the Florida Public Records Law.

**Who Must Retain Electronic Mail?** In general, the sender is responsible for retaining internally produced messages. Messages received from sender within the School district are considered duplicates and can be deleted as desired. If the message is sent out in both electronic and paper copy, the sender only has to retain one copy. If an email message originates outside the school district, the recipient's copy is considered to be an original and thus it is the recipient's responsibility to keep the record.

**How Messages Should Be Saved?** Messages can be saved in one of three ways:

1. Print a paper copy and file by subject and date.
2. Retain messages in an electronic subject folder in text format. These can be opened for viewing in most word processing programs. A unique file name must be assigned to saved email items. Attachments must be saved separately and may be saved in their original file format. They can be open and viewed by launching the program in which the file was originally created. Attachments can be saved using the original file name of the attachment.
3. Messages can be retained by archiving them but this requires software to access the stored documents and attachments.

It is best to print a hard copy of the message because these records can be stored with similar records having the same retention requirements, thus simplifying their disposal. Users who are planning to retire, terminate employment with the District, or transfer to another school or department should review messages in their current Mailbox and Sent Items folders and save those required for records retention purposes. These should be filed with other records being stored for retention/audit purposes. Once these procedures are completed, the original email messages may be deleted.

**How Long Email Messages Must Be Saved?** The General Records Schedule GS1-SL for State and Local Government Agencies (State of Florida), August 2020, and General Records Schedule GS7 for Public Schools Pre-K – 12 Adult and Career Education, April 21, 2019, published by the Florida Department of State, Division of Library and Information Services, Bureau of Archives and Records Management, sets the guidelines for the retention of specific types of records. The content of the electronic messages determines the disclosure and retention procedures. All schools have copies of these schedules on file, and the schedules may be downloaded from the above Websites.

### **General Email Categories and Minimum Retention Requirements:**

Directory Information OSA\*

Job Announcements 180 days after expiration

Meeting Agendas OSA\*

Routine Correspondence Three Fiscal Years

\*Obsolete, Superseded, or Administrative value is lost. The custodian of the record determines when a record is OSA.

### **Summary**

The majority of email may be deleted after its usefulness. Your main area of responsibility is to save what you send and what you receive from external sources, then use the above chart to decide how long the record should be retained.



## POLICY OF NONDISCRIMINATION

**District Rule 6Gx17-1.17** The Board does not discriminate against any person on the basis of gender, age, race, religious creed, color, sexual orientation, marital status, national origin, disability, or pregnancy in violation of applicable state or federal law, or these rules in the educational programs or activities which it operates or in the employment of personnel and does not tolerate any such discrimination. The Board provides equal access to the Boy Scouts, Girl Scouts, and other designated youth groups. Complaints alleging violation of this policy shall be made to the Equal Employment Officer (EEO).

**Genetic Information Nondiscrimination Act (GINA)** Title II of the of 2008 GINA protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

## CONTACT INFORMATION

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