

FLORIDA VIRTUAL SCHOOL BOARD OF TRUSTEES

NOTICE OF ADVERTISEMENT AND PUBLIC HEARING REGARDING ANTICIPATED ADOPTION OF NEW OR REVISED BOARD POLICIES

PROPOSED POLICIES AND POLICY REVISIONS

Exh.	Dept./Subject	Short Title
1	Procurement	Purchasing
2	Facilities	Use of Facilities
3	Facilities	Tobacco Free
4	Facilities	Maintenance
5	Facilities	Weapons
6	Risk	Insurance
7	Risk	Bonding
8	Risk	Insurance Pooling
9	Risk	Emergency Mgmt.
10	Risk	Reporting of Accidents
11	Records	Student Records
12	Records	Public Records
13	Records	Records Mgmt.

PROPOSED REPEALS AND “STRIKE-THROUGHS”

Exh.	Dept./Subject	Short Title
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15	HR	Best and Brightest
16	Executive	FLVS Foundation
17	HR	Holidays
18	Procurement	Purchasing
19	Risk	Reporting of Accidents
20	Records	Pupil Record
21	Records	Student Discipline Records
22	Records	Public Records

Notice of Approval to Advertise: The Florida Virtual School Board of Trustees (“Board”) has authorized and directed this Notice of Advertisement and Public Hearing regarding its anticipated consideration and adoption of new or revised Board Policies.

Purpose & Effect: It is the intention of the Board that the above-referenced new and revised policies simplify, update, streamline and ensure alignment of FLVS operations and Board Policies and Bylaws with applicable state and federal laws, rules, and regulations.

Access to Text of the New or Revised Policy(ies): Individuals seeking access to the hardcopy/printed version of the new or revised policy(ies) herein referenced may contact Mr. Bruce Moore, FLVS Board Clerk, at 2145 Metrocenter Boulevard, Suite 100, Orlando, Florida 32835. The Board Clerk may be reached by telephone call to (407) 735-1191 or by email to bmoore@flvs.net. Individuals seeking access to the electronic version of the new or revised policy(ies) may do so via the internet by visiting the Florida Virtual School website at www.flvs.net (navigate to Board of Trustees – “Notice of Rulemaking” tabs/pages). Please be advised that the President and Chief Executive Officer (“CEO”) of the Florida Virtual School is authorized to correct technical, grammatical, and spelling errors, and to rearrange and renumber sections, paragraphs, designations, and cross-references in any new, revised, and existing Board Policy and Bylaw which—following consultation with the FLVS Office of General Counsel—the CEO deems reasonable and prudent to achieve and advance the purpose and effect of such policies and bylaws.

Rule Making Authority: The Board is authorized to adopt, amend, and delete Board Policies pursuant to section 1002.37 and applicable provisions of Chapter 120 of the Florida Statutes.

Laws Implemented: Section 1002.37 of the Florida Statutes and all such applicable laws expressed and/or referenced by the new or revised policy(ies) herein identified.

Person(s) Proposing/Initiating New or Revised Policy(ies): The new or revised policy(ies) herein identified were originated by and through the FLVS CEO in consultation with the FLVS Office of General Counsel and FLVS personnel with subject matter expertise pertinent to the new or revised policy.

Public Hearing: The Board intends to consider, adopt, or otherwise take formal/final action on the above-referenced new and revised policy(ies) following a public hearing on such matter(s). **The public hearing will be held during the course of a regular quarterly meeting of the Board of Trustees on Tuesday, June 22, 2021, which is scheduled to begin at 9:00 a.m. (EST).** The meeting will not be held in person. Rather, it will be held by video conference via Zoom®. Any person who wishes to present or register public comments during the public hearing should contact Mr. Bruce Moore, Board Clerk, 2145 Metrocenter Blvd., Suite 100, Orlando, Florida, 32835, no later than 48 hours prior to the start of the Board meeting. The Board Clerk may be reached by telephone call to (407) 735-1191 or by email to bmoore@flvs.net.

Any person requiring special accommodations to attend or participate in any meeting of the Board of Trustees should contact Mr. Bruce Moore, Board Clerk, at 2145 Metrocenter Blvd., Suite 100, Orlando, Florida 32835, no later than 48 hours prior to the start of the Board meeting. The Board Clerk may be reached by telephone call to (407) 735-1191 or by email to bmoore@flvs.net. Persons who are hearing or speech impaired are also urged to contact the Florida Relay Service at 1-800-955-8771 (TDD) or at 1-800-955-8770 (Voice).

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he or she will need a record of the meeting/proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

**Purchasing and
Contracting for
Commodities and
Contractual Services
Policy**



Book	Clean
Section	6000 Finances
Title	PURCHASING AND CONTRACTING FOR COMMODITIES AND CONTRACTUAL SERVICES
Code	po6320
Status	Neola

6320 - **PURCHASING AND CONTRACTING FOR COMMODITIES AND SERVICES**

Purchasing Authority

The Procurement and Contracting Department shall provide a uniform and systematic method for procurements in an efficient, cost-effective manner in accordance with, and as permitted by, applicable federal and state laws, Florida State Board of Education Rules, FLVS policies, and administrative rules, procedures and guidelines which promote transparency and accountability in the expenditure of public funds and use of public resources.

The Director of Procurement and Contracting shall, under the direction of the President/CEO or designee, have the authority for the procurement of commodities and services and to expend monies which are properly budgeted and adhere to the requirements herein. All expenditures budgeted for commodities and services shall be processed through the Procurement Department and receive approval in accordance with this FLVS Policy.

Scope

This Policy shall govern the purchase of commodities and services for FLVS through the use of a competitive solicitation, where required by law or as determined to be in the best interest of FLVS, and purchases which are specifically exempted by law from competitive solicitation, when those commodities and services are purchased using FLVS funds or grant proceeds.

Definitions

- A. "Competitive Solicitation" or "Solicitation" means purchasing made through the issuance of an invitation to bid, request for proposals and invitation to negotiate.
- B. "Director of Procurement" or "Director of Procurement and Contracting" shall mean the department head for the FLVS Procurement and Contracting Department appointed by the President/CEO.
- C. "Invitation to Bid" or "ITB" means a written or electronic solicitation for competitive sealed bids. The invitation to bid is used when the Board is capable of specifically defining the scope of work for which a contractual service is required or when the Board is capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is publicly posted.
- D. "Invitation to Negotiate" or "ITN" means a written or electronically posted solicitation for competitive sealed replies to select one (1) or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the Board determines that negotiations may be necessary for it to receive the best value. A written solicitation includes a solicitation that is publicly posted.
- E. "President/CEO" or "CEO" means the "President/CEO or designee".
- F. "Procurement Department" shall mean the FLVS Department of Procurement and Contracting, or such department name as designated from time to time.
- G. "Proposer" or "Bidder" means those vendors submitting bids or responses to a competitive solicitation.

- H. "Request for Proposals" or "RFP" means a written or electronically posted solicitation for competitive sealed proposals. The request for proposals is used when it is not practicable for the Board to specifically define the scope of work for which the commodity, group of commodities, or service is required and when the Board is requesting that a responsible vendor propose a commodity, group of commodities, or service to meet the specifications of the solicitation document. A written solicitation includes a solicitation that is publicly posted.
- I. "Request for Quotations" or "RFQ" means a formal or informal process to solicit three (3) or more price quotes on commodities or services with standard specifications and valued under the threshold requiring formal competitive solicitations. Quotations may be obtained verbally or via facsimile or e-mail. A Request for Quotation may also be issued as a secondary bid to awarded vendors under a competitive solicitation.

Delegation of Authority

As set forth below, the Board has delegated limited authority to the CEO or their designee and the Director of Procurement, relating to the purchase of commodities and services for FLVS in compliance with applicable federal and state laws, Florida State Board of Education Rules, Board Policies, and administrative rules, procedures, and guidelines. In addition, the Board has delegated certain authority to the CEO, Director of Procurement, and the Office of General Counsel with regard to handling matters relating to Chapter 120, Florida Statutes.

A. Director of Procurement

The Board designates the FLVS Procurement and Contracting Department as FLVS's official purchasing agent, and accordingly, authority is delegated to the Director of Procurement to:

- determine the appropriate and most cost-effective purchasing method of contract procurement, including competitive solicitations, direct negotiations, and/or methods that allow FLVS to take advantage of value discounts and special pricing agreements, where appropriate;
- approve the evaluation criteria for procuring commodities and services, including any preference required or allowable by law or Board policy;
- oversee the competitive solicitation process in collaboration with the FLVS requesting department to include receiving formal information through requests for information when needed; create the competitive solicitation document; approve the specifications, terms, and conditions; select members of the evaluation committee; and receive, open, tabulate, and evaluate proposals, responses, bids, and replies in accordance with the provisions of this Policy;
- receive and process any and all notices of protest and formal written protests for the purpose of determining whether the notices or written protests are timely and have a timely and properly posted bond, hold the informal resolution meeting as required by Chapter 120, Florida Statutes, dismiss any invalid bid protests as determined by the Office of General Counsel, and report any valid bid protests to the Board at least quarterly;
- approve and issue purchase orders for purchases made in accordance with this Policy;
- track ITB, ITN, RFPs, and other Board-awarded contracts to ensure that the amount of funds encumbered by purchase orders does not exceed the budgeted funds approved by the Board; and
- oversee negotiations with vendors when appropriate.

B. Office of General Counsel

Authority is delegated to the Office of General Counsel for the following matters relating to Chapter 120, Florida Statutes, Administrative Proceedings, including administrative hearings:

- ruling on motions to extend the deadline for filing a formal written protest or other petitions for administrative hearing;
- conducting or otherwise arrange for the conducting of informal proceedings;
- referring formal written protests or other petitions for administrative hearings pursuant to section 120.57(3), Florida Statutes, to the Division of Administrative Hearings;
- entering orders determining whether a formal written protest, or other petition for administrative hearing is timely and appropriately filed or meets required pleading requirements;
- entering final orders approving or rejecting administrative actions related to settlements, withdrawn petitions, voluntary case closures, and other undisputed procedural matters associated with the initiation or closure of administrative proceedings; and
- executing final orders following Board action.

Pre-Purchasing Review of Available Purchasing Agreements and State Term Contracts for Nonacademic Commodities and Services

Before purchasing nonacademic commodities and services, the Procurement Director or designee shall review the purchasing agreements and State term contracts available under section 287.056, Florida Statutes, to determine whether it is in FLVS's economic advantage to use the agreements and contracts.

FLVS may use the cooperative State purchasing programs managed through the regional consortium service organizations pursuant to section 1001.451, Florida Statutes.

Competitive Solicitation Requirements for Commodities and Services

Except as authorized by law or policy, Competitive Solicitations shall be requested for the purchase of any commodities or services in an amount equal to or greater than \$50,000.00. This threshold shall be determined based upon the total value of the award of

the initial contract, excluding any optional renewal terms. The procurement of commodities or services may not be divided so as to avoid this monetary threshold requirement.

- A. Competitive Solicitation. The President/CEO, in consultation with the Director of Procurement, is authorized to issue competitive solicitations for the purchase of any commodities or services.
- B. Competitive Solicitation Publication. Notice of competitive solicitations shall be published electronically, direct delivery, or other means which are appropriate under the circumstances. The required response due date is to be announced at the time of such publication. The due date shall not be less than five (5) business days (defined as Monday through Friday, excluding Federal and State holidays) after the Competitive Solicitation publication date.
- C. Opening of Competitive Solicitations. Responses shall be opened in a time, place and manner consistent with the Competitive Solicitation and applicable Florida law.
- D. Rejection of Bids or Responses. FLVS may reject any or all bids, proposals, or responses to Competitive Solicitations. FLVS shall retain the right to waive irregularities and informalities in bids, proposals and responses, and to recommend award to the bid, proposal or response which serves the best interest of FLVS.
- E. Competitive Solicitation Award. All competitive solicitation awards for which the total value is equal to or greater than \$300,000.00 (excluding optional renewal terms) shall be presented to the Board for approval prior to the execution of the contract and/or issuance of the purchase order. Competitive Solicitations less than \$300,000.00 shall be approved by the Director of Procurement and Contracting and the CEO. Board/CEO may, in its sole discretion, award to one or more proposers or by lots, if it is in the best interests of FLVS.

Award of a competitive solicitation by the Board or CEO shall only represent an indication by the Board that a bid or proposal represents the best value to FLVS meeting the requirements and criteria set forth in the competitive solicitation. Award of a competitive solicitation shall not create a binding obligation on FLVS until such time as the CEO or designee executes a contract and a purchase order is issued.

Identical/Tie Low Bids or Proposals

In the case of identical qualified bids or proposals, the following criteria shall be utilized to determine award of the procurement:

- A. Minority and Women's Business Enterprises (M/WBE) vendor certified by one of the following agencies: Orange County Government, City of Orlando, State of Florida Department of Management Services or National Supplier Diversity Council (NMSDC).
- B. Certified Veteran Business Enterprise. The certification of a veteran business enterprise shall be granted by the Florida Department of Management Services, with the assistance of the Department of Veterans' Affairs, as required by State law.
- C. Certification under Florida Statutes as a Drug-Free Workplace.
- D. Payment discount offered.
- E. Coin flip.

Protests Arising from the Contract Solicitation or Award Process

- A. FLVS's Notice of Decision or Intended Decision. Pursuant to section 120.57(3), Florida Statutes, the Director of Procurement or designee shall post notice of a decision or intended decision concerning a solicitation or contract award arising out of the contract solicitation or award process by electronic posting. "Electronic posting" or "electronically post" means the noticing of solicitations, agency decisions or intended decisions, or other matters relating to procurement on www.FLVS.net. This notice shall contain the following statement: "Failure to file a protest within the time prescribed in section 120.57(3), Florida Statutes, or failure to post a bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."
- B. Notice of Protest. In a contract procurement process, any person who is adversely affected by the agency decision or intended decision and intends to protest the decision or intended decision, shall file a notice of protest in writing with the Director of Procurement within seventy-two (72) hours after the posting of the notice of decision or intended decision. With respect to a protest of the terms, conditions, and specifications contained in a solicitation, including any provisions governing the methods for ranking bids, proposals, or replies, awarding contracts, reserving rights of further negotiation, or modifying or amending any contract, the notice of protest shall be filed in writing within seventy-two (72) hours after the posting of the solicitation.
 1. A notice of protest should not be filed before the seventy-two (72) hour period begins. The seventy-two (72) hour period begins upon posting of the decision or intended decision.
 2. The notice of protest must be received by the FLVS Procurement Department before the seventy-two (72) hour period expires. The seventy-two (72) hour period excludes Saturdays, Sundays, and holidays when the FLVS

administrative office is closed. The seventy-two (72) hour period is not extended by service of the notice of protest by mail. Failure to timely file a notice of protest shall constitute a waiver of proceedings under this section and section 120.57(3), Florida Statutes.

3. The notice of protest shall identify the procurement by number and title or any other language that will clearly enable FLVS to identify it; and it shall state that the person intends to protest the decision.

- C. Formal Written Protest. The protester shall file a formal written protest within ten (10) calendar days after the date the notice of protest is filed. Failure to timely file the formal written protest shall constitute a waiver of proceedings under this Policy and section 120.57(3), Florida Statutes. The ten (10) calendar day period for filing the petition is not extended by service of the petition by mail.

The formal written protest shall be a petition that:

1. states with particularity the facts and law upon which the protest is based;
2. contains all the information specified in Rule 28-106.201(2), Florida Administrative Code, and Rule 28-106.301(2), Florida Administrative Code;
3. is substantially in the form of petition set forth in Rule 28-110.004(2), Florida Administrative Code, naming "Florida Virtual School" as the Respondent; and
4. should include a request for a hearing involving disputed issues of material fact; or, if the relevant facts are not in dispute, the petition should so allege and request a hearing not involving disputed issues of material fact.

Pursuant to Rule 28-110.004(1), Florida Administrative Code, if the formal written protest is filed in proper form within the seventy-two (72) hour period for filing a notice of protest, the formal written protest will also constitute the notice of protest, and all time limits applicable to a notice of protest are waived and the time limits relative to formal written protests shall apply.

The party protesting the bid specification or recommended award shall be required to post a bond in a form consistent with Rule 28-110.005(2), Florida Administrative Code and timely submit that bond to the FLVS Procurement Department.

- D. Bond. Any person who files an action protesting a decision or intended decision pertaining to a solicitation or contract award shall post with the Director of Procurement, at the time of filing the formal written protest, a bond secured by an acceptable surety company in Florida, payable to "Florida Virtual School" in an amount equal to one percent (1%) of FLVS's estimate of the dollar value of the proposed contract.

1. FLVS shall provide the estimated contract amount to the protester within seventy-two (72) hours (excluding Saturdays, Sundays, and holidays when the FLVS administrative office is closed) after the filing of the notice of protest. The estimated contract amount is not subject to protest under this Policy or section 120.57(3), Florida Statutes. This information may be provided as part of the decision or intended decision documents. In lieu of a bond, the Director of Procurement may accept a cashier's check, official bank check, or money order in the amount of the bond.
2. The bond shall be conditioned upon the payment of all costs and charges which may be adjudged against the protestor in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding.
3. If, after completion of the administrative hearing process and any appellate court proceedings, FLVS prevails, it shall be entitled to recover all costs and charges which are included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the person protesting the decision or intended decision or contract award, the bond, cashier's check, official bank check, or money order shall be returned to the protestor. If, after the completion of the administrative hearing process and any appellate court proceedings, the protestor prevails, the protestor may recover FLVS the costs and charges which are included in the final order or judgment, excluding attorney's fees.

- E. Staying the Procurement Process. Upon timely receipt of the formal written protest petition, the solicitation or contract award process shall be stopped until the subject of the protest is resolved by final agency action, unless the CEO sets forth in writing particular facts and circumstances which require the continuance of the solicitation or contract award process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare.

- F. Informal Resolution Meeting. The Director of Procurement shall provide an opportunity to resolve the protest by mutual agreement between the parties within seven (7) business days of receipt of the formal written protest. All affected parties shall be notified of the notice of protest.

1. Hearing. If the protest is not resolved by mutual agreement within seven (7) business days after receipt of the formal written protest; and

- a. if there is no disputed issue of material fact, an informal proceeding shall be conducted pursuant to section 120.57(2), Florida Statutes and applicable Board Policies, and may be conducted before an impartial hearing officer who is a member in good standing of The Florida Bar; or
 - b. if there is a disputed issue of material fact, in accordance with section 120.569, Florida Statutes, the protest shall be referred within fifteen (15) days after the Director of Procurement receives the Formal Written Protest to the Division of Administrative Hearings for a formal hearing under section 120.57(1), Florida Statutes.
2. **Burden of Proof.** As stated in section 120.57(3)(f), Florida Statutes, the burden of proof shall rest with the party protesting the proposed agency action.
- a. In any bid-protest proceeding contesting an intended agency action to reject all bids, proposals, or replies, the standard of review shall be whether FLVS's intended action is illegal, arbitrary, dishonest, or fraudulent.
 - b. In Competitive Solicitation protests other than those contesting an intended agency action to reject all bids, proposals, or replies, the hearing officer or administrative law judge will conduct a de novo proceeding to determine whether FLVS's proposed action is contrary to the governing statutes, Board's Policies, or the solicitation documents. The standard of proof for such proceedings shall be whether the proposed agency action was clearly erroneous, contrary to competition, arbitrary, or capricious.

Requirements for Commodities and Services under \$50,000.00

All purchases of commodities and services whose cumulative total over a fiscal year equals or exceeds \$25,000.00, but is less than \$50,000.00, shall require a formal Request for Quote (RFQ) by the Procurement Department unless waived by the Director of Procurement or designee. All awarded formal quotes shall be approved by the Director of Procurement or designee prior to execution of contract or issuance of purchase order.

For all purchases of commodities and services whose cumulative total value over a fiscal year is under \$25,000.00 it is recommended that quotes be obtained when possible. Quotes may be informal and obtained by telephone or email by the department authorized personnel or Procurement department. All quotes shall be approved by the Director of Procurement or designee prior to the issuance of a purchase order.

Exception to Competitive Bidding Requirements, "Exemptions"

Notwithstanding anything in this policy to the contrary, the Director of Procurement may make exempt certain purchases from the requirement for Competitive Solicitations, under the conditions permitted Rule 6A-1.012, Florida Administrative Code, and other applicable law.

The CEO is authorized to purchase commodities and services under the Florida Department of Management Services State term contracts in any amount that does not exceed the applicable appropriation in the budget.

Grant Purchases

Procurement of all supplies, materials, equipment, and services paid for from Federal funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, Board policies, and administrative procedures. Procurements utilizing Federal funds shall be in accordance with 2 CFR Part 200, (Uniform Grant Guidance) and Education Department General Administrative Regulations (EDGAR).

Contracting Authority and Execution

Contracts shall be approved and executed as follows:

- A. **CEO/Designee Authority.** The CEO is authorized to approve and execute contracts on behalf of FLVS involving expenditure of public funds in an amount no greater than \$300,000.00 (excluding optional renewal terms, but inclusive of all amendments within the fiscal year), so long as the obligation created does not exceed the applicable appropriation within the FLVS budget and the contract is otherwise in compliance with applicable FLVS procedures, policies, and law. For purposes of this policy, any group of contracts, purchase orders to the same provider which are connected in terms of time, location and services such that a reasonable person would view them as a single contract shall be deemed to be a single contract; it being understood that the procurement of commodities or services shall not be divided so as to avoid the monetary cap imposed by this policy.
- B. **Office of General Counsel Review.** All contract templates and any changes thereto shall be reviewed and approved as to legal form by the Office of General Counsel or designee. The Office of General Counsel's review and approval shall also be required for contracts that are not FLVS approved contract templates.
- C. **Signature Authority.** The CEO's signature authority may be further delegated by the CEO to such person(s) and for such purposes as the CEO designates from time to time in writing and filed with the Procurement Director. Any FLVS contract signed pursuant to this subsection shall note the delegated authority in the FLVS signature. No person, unless authorized to do so under Board policy, may execute a contract for the purchase of services or commodities. Any person who executes a contract without authority shall be personally liable for such indebtedness, and such contract shall be null and void.

Purchase Order Approval

The Procurement Director or designee is authorized to issue purchase orders in accordance with bids, proposals or exemptions awarded pursuant to this policy without further action of the Board so long as the obligation created does not exceed the applicable appropriation within the FLVS budget.

Amendments and Change Orders to Contracts

Board approval shall be required for all amendments or change orders to contracts for commodities and services when the amount of the amendment or change order exceeds the Board approved budget for the expenditure or \$300,000.00 within a fiscal year. The Board's approval of the contract shall be deemed to include the Board's approval of contract renewal amendments on the same terms and conditions for contemplated optional renewal terms, so that such contract renewal amendments shall not require Board approval so long as such renewal does not exceed the applicable appropriation within the FLVS budget and the renewal is otherwise in compliance with applicable FLVS procedures, policies, and law.

The Director of Procurement and CEO shall approve all other change orders and amendments that are at or below the \$300,000.00 annual fiscal year threshold.

Ethics

- A. FLVS shall not knowingly enter into a contract with any supplier of materials, supplies and services that: (a) any Board member or the CEO has any financial interest, direct or indirect, whatsoever; (b) a spouse or child of any Board member or the CEO, has employment relationship or a material interest as defined by section 112.312(15), Florida Statutes; or (c) any FLVS employee has a material interest as defined by section 112.312(15), Florida Statutes, unless the contract is based up on a competitive bid and the FLVS employee has not, directly or indirectly, participated in the development of bid specifications or in the recommendation for purchase or award.
- B. FLVS employees shall not accept any form of compensation, payment, or thing of value from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services. No employee shall be the approver or initiator of purchases from any contractor or vendor for which an immediate family member or household member is the point of contact, the individual performing the services, or holds an executive level position. In this situation the FLVS employee is required to recuse themselves from participating directly or indirectly in the procurement process.

Lobbying and Cone of Silence Period

Lobbying is defined as any action taken by an individual, firm, association, joint venture, partnership, syndicate, corporation, and all other groups who seek to influence the governmental decision of a Board Member or FLVS personnel after advertisement and prior to the award of a contract.

"Cone of Silence" shall refer to the period of time between the posting of a Competitive Solicitation and the posting of a decision or intended decision with regard to that Competitive Solicitation. Vendors, lobbyists, consultants, agents, bidders and/or proposers shall not contact members of the Board, FLVS staff, or evaluation committee members after the advertisement of any Competitive Solicitation prior to the announcement of an award. In addition, evaluation committee members or other FLVS employees shall not be contacted or approached by representatives of any potential vendors/bidders anytime during the solicitation process. Contact or communication initiated as described above, may result in disqualification of the proposer or bidder.

Cone of Silence does not apply to the following:

- A. Communications between a potential vendor, service provider, bidder, lobbyist, or consultant and the FLVS procurement department.
- B. Communications between a potential vendor, service provider, bidder, lobbyist, or consultant and the Office of General Counsel.
- C. Communications at duly noticed pre-bid meetings and site visits prior to bid opening or post bid-opening meetings and site visits, which are administered by either the procurement department, prior to issuance of a written recommendation of contract award.

Notwithstanding the foregoing, communications are permissible when such communications with a prospective respondent are necessary for, and solely related to, the ordinary course of business concerning any existing contract(s) between the prospective respondent and FLVS employees for the materials or services addressed in the solicitation (but in no event shall any existing vendor intending to submit a bid or proposal initiate communications to any member(s) of the Board).

Debarment

The Director of Procurement shall have the authority to debar a person/corporation, for cause, from consideration or award of further contracts. The debarment shall be for a period commensurate with the seriousness of the cause, generally not to exceed three (3) years. If a suspension precedes a debarment, the suspension period shall not be considered in determining the debarment period. When the offense is willful or blatant, a longer term of debarment may be imposed, up to an indefinite period.

- A. Notice of Recommended Decision. The Director of Procurement or designee shall issue a notice letter that advises the party that it is debarred or suspended. The letter shall: state the reason(s) for the action taken; and inform the vendor of its right to petition the Board for reconsideration.

- B. Right to Request a Hearing. Any person who is dissatisfied or aggrieved with the notification of the determination to debar or suspend must, within ten (10) calendar days of such notification, appeal such determination to the Board.
- C. Hearing Date. The Board shall schedule a hearing at which time the person shall be given the opportunity to demonstrate why the debarment/suspension by the Procurement Director should be overturned. All parties shall be given notice of the hearing date.

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Legal	F.S. 255.05
	F.S. 255.0516
	F.S. 255.0518
	F.S. 282.0041
	F.S. 287.056
	F.S. 287.084
	F.S. 287.087
	F.S. 287.132
	F.S. 287.133
	F.S. 295.187
	F.S. 1001.43
	F.S. 1001.451
	F.S. 1010.04
	F.S. 1010.07(2)
	F.S. 1010.48
	F.A.C. 6A-1.012, Purchasing Policies

Use of FLVS Facilities Policy



Book	Clean
Section	7000 Property
Title	USE OF FLVS FACILITIES
Code	po7510
Status	From Neola

7510 - **USE OF FLVS FACILITIES**

Florida Virtual School ("FLVS") believes that the facilities of FLVS should be made available for community purposes, provided that such use does not infringe on the original and necessary purpose of the property or interfere with the educational program of FLVS.

For purposes of this policy the term "facilities" means and refers to all physical property and assets owned, leased, or otherwise under the exclusive control of the Board of Control.

The Board will permit the use of FLVS facilities when such permission has been requested in writing and has been approved by the FLVS President and CEO ("CEO").

A Facilities Manager shall be appointed by the CEO. The Facilities Manager shall be responsible for safeguarding FLVS facilities, enforcing and informing users of applicable Board Policies, provide for the maintenance and execution of proper forms, and for the collection of associated fees and payments. Third party users must provide proof of insurance acceptable to FLVS Risk Management officials. Certificates of Insurance must show FLVS as an additional insured.

Use by School-Oriented Organizations and Groups

There shall be no charge for use of FLVS facilities to groups and parties approved by the Facilities Manager related to and connected with FLVS, and or its students.

Long-Term Use

A written contract authorized by the CEO and approved by the Office of General Counsel shall be required for any long-term use of FLVS facilities.

Prohibitions

FLVS facilities shall not be available or used for any of the following:

- A. private or commercial activities absent approval of the CEO;
- B. activities or events involving any form of gambling or any illegal activity;
- C. activities or events prohibited by Board policy;
- D. activities or events held or sponsored by any organization or party which believes in or teaches directly or indirectly, the overthrow of the governments of the United States, or the State of Florida.

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Legal F.S. 1013.10

Tobacco-Free Environment Policy



FLORIDA VIRTUAL
SCHOOL

Book	Clean
Section	7000 Property
Title	TOBACCO-FREE ENVIRONMENT
Code	po7434
Status	From Neola

7434 - **TOBACCO-FREE ENVIRONMENT**

Florida Virtual School ("FLVS") Board of Trustees ("Board") is committed to providing students, staff, and visitors with a tobacco-free environment, including all environs in or on all properties and facilities owned, leased, or otherwise under the control of the Board pursuant to law and/or a written, Board-authorized contract. The negative health effects of tobacco use for both users and nonusers, particularly in connection with secondhand smoke, are well established. Further, providing a tobacco-free environment is consistent with the responsibilities of teachers and staff to be positive role models for our students.

For purposes of this policy, "use of tobacco" shall mean:

- A. to chew or smoke tobacco, and tobacco products such as cigarettes, cigars, pipe tobacco, chewing tobacco, and snuff;
- B. to use vapor-generating electronic devices, e-cigarettes (including, but not limited to, "JUULs"), vaping products or supplies, vape pods, liquids or other vaping supplies, products providing for the delivery and consumption of tobacco; and
- C. to use other substitute forms of cigarettes, clove cigarettes, or other lighted smoking devices for burning tobacco or tobacco products.

Designated Areas

Smoking is prohibited in all areas except those designated by the Facilities Manager.

Notification

"No Tobacco" signs will be posted throughout FLVS facilities at the discretion and direction of the CEO. Students will be provided notice of this policy through student handbooks, and notice that it is unlawful for any person, student, or visitor, not of the age of twenty-one (21), to possess, purchase, or attempt to purchase tobacco products

Persons not complying with this policy will be subject to disciplinary action in compliance with Board policies and applicable laws and regulations.

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Legal	F.S. 381.84
	F.S. 386.202
	F.S. 386.204
	F.S. 386.212
	20 U.S.C. 6081 et seq.
	20 U.S.C. 7182

Maintenance Policy



FLORIDA VIRTUAL
SCHOOL

Book Clean
Section 7000 Property
Title MAINTENANCE
Code po7410
Status From Neola
Prior Revised Dates po7410, NA 3/25/2021

7410 - **MAINTENANCE**

The FLVS President and Chief Executive Officer (CEO) shall be responsible for any needed repairs or enhancements to Florida Virtual Schools ("FLVS") property is addressed in accordance with the risk of such repairs presenting a danger or inconvenience to staff, students or visitors, or FLVS incurring additional cost as a result of. The CEO will require that all preventive maintenance will be executed according to the associated equipment maintenance schedules.

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Legal F.S. 1001.51
F.S. 1013.35

Weapons Policy



Book	Clean
Section	1000 Administration
Title	WEAPONS
Code	po1217
Status	From Neola

1217 - **WEAPONS**

But for the exceptions specified below, pursuant to State law, Florida Virtual School ("FLVS") prohibits FLVS employees from openly carrying a handgun or carrying a concealed weapon or firearm, in a school safety zone, into any elementary or secondary school, administration building, as well as into any Board of Trustees ("Board") meeting, any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle.

Furthermore, the Board prohibits FLVS employees from having an unloaded firearm securely encased within the interior of a private motor vehicle when that vehicle is parked on property leased, owned, or contracted for by the Board.

Weapons and firearms as defined in F.S. 790.001 and include, but are not limited to, firearms, guns of any type, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

For purposes of this policy, the term "weapon" also means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons.

Exceptions to the Board's prohibition from openly carrying a handgun or carrying a concealed weapon or firearm, in the school safety zone of any elementary or secondary school, into any administration building, as well as into any Board meeting, any setting that is under the control and supervision of FLVS for the purpose of school activities approved and authorized by FLVS including, but not limited to, property leased, owned, or contracted for by FLVS, any school-sponsored event, or in an FLVS vehicle include the following:

- A. A person may carry an unloaded firearm in a case to a firearms program, class or function which has been approved in advance by the Principal or site administrator as a program or class to which firearms could be carried.
- B. A person may carry an unloaded firearm in a case to a career center having a firearms training range.
- C. Members of the Armed Forces, National Guard, police, or other licensed law enforcement officers, as well as other persons approved by FLVS on a case-by-case basis, may possess a firearm or weapon.
- D. Staff members, contractors, vendors, or their employees may possess and use tools, instruments, and other devices on FLVS property or at FLVS -sponsored event, including in vehicles in either situation, even though such items fall within the definition of weapons, provided that such possession and use is in accordance with the terms of a written contract with the Board, or is otherwise in furtherance of their duties under such a contract and is authorized in advance by the President and Chief Executive Officer ("CEO").

All FLVS employees shall immediately report knowledge of firearms, weapons, and/or threats of violence by students, staff members, or visitors to their immediate supervisor and the Facilities Manager or the FLVS CEO. Failure to report such knowledge may subject FLVS employees to discipline up to and including termination of employment.

The CEO shall require that any FLVS employee possessing a firearm, weapon, or other device designed to inflict serious bodily harm, including a concealed firearm or weapon, in violation of this policy and State law, is reported immediately to the appropriate law enforcement agency, regardless of whether such FLVS employee possesses a valid concealed weapon license. As well, the staff member shall be subject to disciplinary action, up to and including termination, consistent with law, due process, and the terms of any negotiated agreement.

The CEO shall post notices at each entrance of a school and/or school building and in areas inside the building where visitors are required to report prohibiting an individual from openly carrying a handgun or carrying a concealed weapon or firearm in a school safety zone, including schools and school buildings, on school premises and school buses, and at school activities. Such notices shall also be posted at each entrance leading into a school activity (particularly those activities held outside of the school building) and school campuses. Further, notices shall be posted in each school bus and other Board-owned vehicle, including a school van.

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Legal	F.S. 790.001
	F.S. 790.06
	F.S. 790.115
	F.S. 790.251
	F.S. 1001.43
	F.S. 1006.07
	18 U.S.C. 922

Insurance, Risk
Management, And
Claims Settlement
Policy



FLORIDA VIRTUAL
SCHOOL

Book Clean
Section 8000 Operation
Title INSURANCE
Code po8710
Status From Neola

8710 - **INSURANCE**

The President and Chief Executive Officer ("CEO") of the Florida Virtual School ("FLVS") shall negotiate with commercial insurance carriers for the type and amount of insurance policies necessary to protect FLVS from major financial losses. The CEO is authorized to delegate such duties herein set forth to other personnel, representatives, and authorized agents of FLVS as the CEO deems appropriate.

Examples of such insurance policies purchased include, but need not be limited to, the following types of losses:

- A. buildings and their contents;
- B. boiler and machinery;
- C. special coverage for equipment not ordinarily covered under a standard policy;
- D. the expenses of defending any claim against School Board members, officers, or employees of FLVS arising out of and in the course of the performance of their duties; and
- E. loss or damage from liability for the general acts or errors and omissions of FLVS officers, employees, or volunteers;

Insurance for a given coverage shall be obtained at the lowest possible cost, assuming that service and company reliability are satisfactory.

The Board may, after considering the recommendations of the CEO, choose to retain the cost of certain liabilities (self-insure) through a risk management program as found in F.S. 768.28.

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Legal F.S. 768.28
 F.S. 1001.32(3)
 F.S. 1001.42

Bonding Policy



FLORIDA VIRTUAL
SCHOOL

Book	Clean
Section	8000 Operation
Title	BONDING
Code	po8740
Status	From Neola

8740 - **BONDING**

The Board of Trustees ("Board") recognizes that prudent trusteeship of the financial resources and assets of the Florida Virtual School ("FLVS") dictate that employees responsible for the safekeeping of FLVS monies be bonded.

FLVS shall be indemnified against loss of money by bonding of employees holding the positions and in the amounts determined by the Board.

All other employees handling money shall be covered under a blanket bond in an amount determined by the Board.

The Board shall bear the cost of bonding each employee required to be bonded by this policy.

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Legal	F.S. 1001.42
	F.S. 1010.40
	F.S. 1010.41

Joint Self-Insurance Pool Policy



FLORIDA VIRTUAL
SCHOOL

Book	Clean
Section	8000 Operation
Title	JOINT SELF-INSURANCE POOL
Code	po8770
Status	From Neola

8770 - **JOINT SELF-INSURANCE POOL**

The Board of Trustees ("Board") recognizes the benefits to Florida Virtual School ("FLVS") of joining and pooling with other public school districts and agencies in providing cost-effective coverage for the insurance needs of FLVS and in participating in programs of risk management to prevent loss, reduce expenses, and to control liability.

Examples of such pooled insurance plans include, but are not necessarily limited to, are as follows:

- A. loss or damage to FLVS property, real or personal;
- B. loss or damage from liability resulting from the use of FLVS property;
- C. loss or damage from liability for the acts and omissions of FLVS officers, employees, or volunteers;
- D. loss or damage from liability established by the workers' compensation statutes;
- E. the expenses of defending any claim against the Board members, officers, or employees of FLVS arising out of and in the course of the performance of their duties;
- F. hospital and medical insurance coverage.

The Board authorizes the CEO to obtain FLVS's membership in a pooled self-insurance group.,

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Legal	F.S. 768.28
	F.S. 1001.42

Emergency
Management,
Emergency
Preparedness, And
Emergency Response
Agencies Policy



Book	Clean
Section	8000 Operation
Title	EMERGENCY MANAGEMENT, EMERGENCY PREPAREDNESS, AND EMERGENCY RESPONSE AGENCIES
Code	po8420
Status	From Neola

8420 - **EMERGENCY MANAGEMENT, EMERGENCY PREPAREDNESS, AND EMERGENCY RESPONSE AGENCIES**

Emergency Management and Emergency Preparedness

The Board of Trustees ("Board") recognizes that its responsibility for the safety of students and staff requires that it formulate and prescribe in consultation with appropriate public safety agencies emergency management and emergency preparedness procedures for Florida Virtual School ("FLVS") , including emergency notification procedures for life-threatening emergencies, including, but not limited, fires; natural disasters; bomb threats; weapon-use, hostage and active shooter situations; hazardous materials or toxic chemical spills; weather emergencies, including hurricanes, tornadoes, and severe storms; and exposure as a result of a manmade emergency and that such emergencies are best met by preparedness and planning.

The active shooter situation training must engage the participation of the threat assessment team members, faculty, and staff and must be conducted by the law enforcement agency or agencies that are designated as first responders to each FLVS facility.

The President and Chief Executive Officer ("CEO") (in conjunction with the threat assessment team) shall develop, and revise as necessary, an FLVS Disaster Plan to provide for the safety and welfare of the students and staff, as well as a system of emergency preparedness and accompanying procedures that provide for the following:

- A. a listing of the commonly used alarm system response for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes;
- B. the health and safety of students and staff are safeguarded;
- C. embraces a collaborative effort with community emergency responders;
- D. the time necessary for instructional purposes is not unduly diverted;
- E. minimum disruption to the educational program occurs;
- F. students are helped to learn self-reliance and trained to respond sensibly to emergency situations;
- G. the system is supported by ongoing training that will include practical application and appropriate "drills" as required by F.S. 1001.42;
- H. evacuation drills should represent actual emergencies, including, but not limited to firearm, natural disasters, and bomb threats;
- I. emergency egress and relocation drills (including, but not necessarily limited to, fire drills) in accordance with the requirements of the Florida Fire Prevention Code, the Fire Code (NFPA 1), and the Life Safety Code (NFPA 101);
- J. drills for active shooter and hostage situations shall be conducted in accordance with developmentally appropriate and age-appropriate procedures at least as often as other emergency drills; and
- K. floor plans of each FLVS facility must be provided to all community emergency responders in support of evacuation procedures.

All threats to the safety of FLVS facilities, students, and staff shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness. Any aspect of the emergency preparedness plan and/or procedures that are included in the FLVS Disaster Plan shall remain confidential and exempt from public records disclosure in accordance with State law.

The CEO, as part of the development of the emergency preparedness plan and procedures, shall establish a schedule to test the functionality and coverage capacity of all emergency communication systems and determine if adequate signal strength is available in all areas of school campuses.

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Legal

- Florida Fire Prevention Code (F.S. 633.202)
- F.S. 1001.43
- F.S. 1006.07
- F.S. 1013.13
- Fire Code (NFPA 1)
- Life Safety Code (NFPA 101)

Reporting
Accidents/Incidents
Policy



FLORIDA VIRTUAL
SCHOOL

Book	Clean
Section	8000 Operation
Title	REPORTING ACCIDENTS/INCIDENTS
Code	po8442
Status	From Neola

8442 - **REPORTING ACCIDENTS/INCIDENTS**

The Board of Trustees ("Board") desires that the staff make reasonable efforts to ensure a safe learning and working environment. To that end, the Board requires that accidents and incidents be reported to the Office of Risk Management in order to be evaluated for safety and health concerns.

All Accidents/Incidents shall be reported immediately to the Office of Risk Management. The report shall include, but not be limited to, the date, time, and place of the accident/incident; the names of persons involved; the nature of the injury to the extent that it is known; and a description of all relevant circumstances.

Any Florida Virtual School ("FLVS") employee or authorized agent of the Board who suffers a job-related injury must also report the injury and its circumstances to their immediate supervisor and the FLVS Benefits Department, as appropriate, as soon as possible following the occurrence of the injury.

An employee's failure to comply with the reporting requirements outlined above may result in disciplinary action up to and including termination.

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Legal	F.S. 1006.017
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Student Records Policy



FLORIDA VIRTUAL
SCHOOL

Book	Clean
Section	8000 Operation
Title	STUDENT RECORDS
Code	po8330
Status	From Neola

8330 - **STUDENT RECORDS**

In order to provide appropriate educational services and programming, Florida Virtual School ("FLVS") must collect, retain, and use information about individual students. It must also safeguard students' privacy and restrict access to students' personally identifiable information ("PII") pursuant to state and federal law.

Maintenance of Student Records

FLVS shall maintain a permanent cumulative record for each student enrolled in the school which record shall contain the data prescribed by F.A.C. 6A-1.0955, applicable State and Federal law, and Board policies. Each student's cumulative record shall include the following types of data:

A. Category A Records, Permanent Information

1. Student's full legal name.
2. Authenticated birthdate, place of birth, race, ethnicity, and sex.
3. Last known address of the student.
4. Name(s) of the student's parent(s) or guardian(s).
5. Name and location of last school attended.
6. Number of days present and absent, date enrolled, date withdrawn.
7. Courses taken and record of achievements, such as grades, credits, or certification of competence.
8. Date of graduation or date of program completion.
9. Records of requests for access to and disclosure of personally identifiable information from the student's educational records.

B. Category B Records, Temporary Information

1. Health information, family background data, standardized test scores, State-mandated achievement test scores, educational and vocational plans, honors and activities, work experience reports, and teacher/counselor comments.
2. Reports of student services or exceptional student staffing committees including all information required by F.S. 1001.42.
3. Correspondence from community agencies or private professionals.
4. Driver education certificate.

5. A list of schools attended.
6. Written agreements of corrections, deletions, or expunctions as a result of meetings or hearings to amend educational records.
7. Written requests to waive access to confidential records.
8. Written requests to restrict the release of directory information.
9. Court orders of relevance.
10. Records of major student disciplinary actions, suspension, and/or expulsion records.
11. Home language survey.
12. Student Limited English Proficiency (LEP) Plans.
13. Such other records of educational importance as the school shall deem necessary.
14. Records designated for retention by the Florida Department of State in General Records Schedule GS7 for Public Schools Pre-K - 12, Adult and Vocational/Technical.

Category A and B records shall be maintained in compliance with the approved FLVS records retention schedule.

Person Standing In Loco Parentis To Student

When students are under eighteen (18) years of age and do not reside with their parent(s), the parent(s) shall designate in writing to FLVS the individual who stands in loco parentis to the student.

Individual exceptional student records shall be kept separate from regular cumulative records. These records shall be sent to each succeeding school the student attends in the FLVS and shall be maintained in accordance with the approved FLVS records retention plan.

Records are to be maintained by the organizational department that houses the repository for their unique records. Upon request by Records Management, these departments will provide any/all records to satisfy a Public Request for Records or a Subpoena as deemed necessary by Records Management

Periodic review for elimination of outdated information in student records by the custodian or designees shall be made in accordance with F.S. 1001.52, and the approved FLVS records retention plan. The custodian of the student records shall be responsible for maintaining the accuracy of information by purging student records in accordance with the General Records Schedule for Public Schools (GS-7). Explanations placed in the education record and the record of access shall be maintained for as long as the education record to which it pertains is maintained. This procedure must be implemented before records are released to any vocational-technical centers, community colleges, or institutions of higher learning in which the student seeks or intends to enroll.

Type Record	Location	Custodian	Address
Active and inactive student records as specified in the current Student Records Manual for FLVS	Last school attended	Principal of last school attended	As shown in local directory
Inactive student cumulative records (Category A) as specified in the current Student Records Manual for FLVS	Central FLVS office	CEO or designee	Records Management Educational Services Facility
Individual exceptional student education records as specified in the	Last school attended	Principal of last school attended	As shown in local directory

current Student
Records Manual for
FLVS

Individual student
psychological
records as specified
in the current
Student Records
Manual for FLVS

Last school attended	Principal of last school attended	As shown in local directory
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Limitations on Collection and Retention of Certain Information

FLVS shall not collect, obtain, or retain information on the political affiliation, voting history, religious affiliation, or biometric information of a student or a parent or sibling of a student. For purposes of this paragraph, the term "biometric information" means information collected from the electronic measurement or evaluation of any physical or behavioral characteristics that are attributable to a single person, including fingerprint characteristics, hand characteristics, eye characteristics, vocal characteristics, and any other physical characteristics used for the purpose of electronically identifying that person with a high degree of certainty. Examples of biometric information include, but are not limited to, a fingerprint or hand scan, a retina or iris scan, a voice print, or a facial geometry scan.

FLVS shall not maintain any report or record relative to a student that includes a copy of a student's fingerprints.

The CEO or designee will be responsible for the privacy and security of records that are not under the supervision of the school principal.

Access to Student Records

The rights of students and their parents with respect to education records created, maintained, or used by FLVS must be protected in accordance with FERPA, State law, and the implementing regulations and rules issued pursuant thereto. Students and their parents have the right to access their education records, including the right to inspect and review those records, have the right to waive their access to their education records in certain circumstances, have the right to challenge the content of education records, have the right of privacy with respect to such records and reports, and receive annual notice of their rights with respect to education records.

In addition to students and their parents and eligible students, student records shall be available only to designated school officials and personnel, to such other persons as the parent or eligible student authorizes in writing, a court of competent jurisdiction or to other individuals or organizations as permitted by law. The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" refers to students who are eighteen (18) years of age or older, or who are enrolled in a postsecondary institution, regardless of age.

Schools may, without consent of parents, guardians, or eligible students, provide access to school officials to perform an administrative, supervisory, or instructional task, or to perform a service or benefit for the student or the student's family, and psychologists within FLVS providing they have a legitimate educational interest. Support employees may be designated by the principal for the purpose of doing clerical work and maintaining student records. However, such persons shall receive in-service training concerning the confidentiality of student records and work under the supervision and control of an administrative staff member.

Whenever a student has attained eighteen (18) years of age, the permission and consent required of and rights accorded to the parents of the student as to student records maintained by FLVS shall thereafter be required of and accorded to the eligible student only, unless the eligible student is a dependent of his/her parents as defined in Title 26 U.S.C. Section 152 of the Internal Revenue Code of 1954. FLVS may, in this instance, disclose personally identifiable information from the education records to the parents without the prior consent of the eligible student.

Whenever a student has enrolled in a postsecondary institution, regardless of age, the permission and consent required of and rights accorded to the parents of the student as to student records maintained by the postsecondary institution shall thereafter be required of and accorded to the eligible student only. However, if the student is not eighteen (18) years of age, then the permission and consent required of and rights as to the student's records maintained by FLVS shall be retained by the parents.

The custodian of the student record shall permit the eligible student or the parents or guardians of the student who is or has been in attendance in FLVS to inspect and review the education records of the eligible student or student. Provisions for such inspection and review shall be made within a reasonable period of time of the request, but in no case shall be more than thirty (30) days after the request has been made.

FLVS presumes that the eligible student or either parent of the student has the right to inspect, review, and receive copies of the education records of the student or eligible student unless the Board, its staff, or the individual school has been provided a legally binding instrument or court order governing such matters as divorce, separation, or custody which provides to the contrary.

In instances where records are opened to parents, guardians, or eligible students, schools shall make available a member of the professional staff to interpret the record and shall provide copies, upon request and payment of the current FLVS copy rate, which shall not exceed the maximum rate for copies of public records as set forth in F.S. Chapter 119.

The copy rate will include actual reproduction costs and will not include the labor costs for retrieval.

School officials shall provide requesting parents, guardians, or eligible students an opportunity for a hearing to challenge the content of their child's or the eligible student's school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Parents, guardians, and eligible students may waive their right of access to confidential letters or statements of recommendations or evaluation. Such waiver shall be made in writing to the custodian of the records and shall be signed by the parent, guardian, or eligible student. Such waiver shall apply to recommendations or evaluation only if:

- A. the parent, guardian, or eligible student is, upon request, notified of the names of all persons submitting confidential letters or statements; and
- B. such recommendations or evaluations are used solely for the purpose for which they were specifically intended.

The waiver of the right of access may be revoked in writing with respect to actions occurring after the revocation.

Court Request of Records

- A. Student records may be disclosed to a court of competent jurisdiction provided that reasonable notification is given in advance to the parents and student. If the principal or his/her designee is unable to notify prior to the time for compliance set forth in the court order, s/he shall bring to the court's attention the provision of the Family Educational Rights and Privacy Act of 1974 and comply with the court's instruction.
- B. Student records may be disclosed pursuant to a lawfully issued subpoena, upon the condition that the student, or his/her parent if the student is either a minor and not attending an institution of postsecondary education or a dependent of such parent as defined in 26 U.S.C. 152 (s. 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

The CEO may, in writing, authorize access to student records to representatives of the Federal, State, or local educational authorities.

Transcripts of a student's records may be released without written consent from the students' parents, guardians, or eligible student, to any vocational-technical center, community college, or any postsecondary institutions of higher learning in which the student seeks or intends to enroll. A copy of the records may be released to the student's parents, guardians, or eligible student upon request. This policy is also applicable in instances where such a request is in connection with a student's application for, or receipt of, financial aid.

Hearing Procedure to Correct Student Records

Whenever a parent, guardian, or eligible student believes the content of the student record is inaccurate, misleading, or in violation of their privacy, they may request in writing an informal meeting with the custodian of the record for the purpose of requesting the correction, deletion, or expunction of any inaccurate, misleading, or otherwise inappropriate data or material contained in the student record.

If the parties at the informal meeting agree to make deletions, to expunge material, or to add a statement of explanation or rebuttal to the file, such agreement shall be reduced to writing and signed by the parties, and the appropriate school officials shall take the necessary actions to implement the agreement. If an agreement is not reached, denial of the request and notification of the right to a formal hearing shall be made in writing to the parent, guardian, or eligible student with a copy to the CEO or designee.

Upon the request of a parent, guardian, or eligible student, a formal hearing shall be held. Such hearing shall be requested, in writing, within ten (10) days of the written notice of denial at the informal meeting, to the CEO or designee, who shall appoint a hearing officer who shall be any official of the school system with no direct interest in the outcome of the hearing. The hearing officer shall convene and conduct the hearing and shall render a decision in writing to all concerned parties within ten (10) days of the conclusion of the hearing. Such hearing shall be held within a reasonable period of time but in no case shall be held more than thirty (30) days from the date of the written request.

The parents, guardian, eligible student, and officials of the school shall be afforded a full and fair opportunity to present evidence relevant to the issues raised. The hearing shall be recorded and available to all parties. However, the record of such hearings are exempt from disclosure under F.S. Chapter 119.

If the decision of the hearing officer is that the records are not inaccurate, misleading, or otherwise in violation of privacy rights, the parent, guardian, or eligible student shall be allowed to comment in writing on the information in the education record and set forth any reasons for disagreeing with the decision. This written response shall be filed in the education records of the student.

Disclosure of Student Record Information

Notwithstanding any other provision in this policy, student education records shall not be disclosed to any person, public body, body politic, political subdivision, or agency of the Federal government except when authorized by State or Federal law or in response to a lawfully issued subpoena or court order. In accordance with State law, student education records are exempt from the provisions of F.S. Chapter 119.

A. Prior Written Consent

1. Prior written consent of the parent, guardian, or eligible student shall be obtained prior to disclosing personally identifiable student information other than directory information. The written consent shall include: signature of the parent, guardian, or eligible student; date; specification of records or information to be disclosed; purpose of the disclosure; and the party or class of parties to whom a disclosure is to be made.
2. Disclosures of personally identifiable student information will be made only on the condition that the party or parties to whom the information is disclosed shall not disclose the information to any other party without prior written consent of the parent, guardian, or eligible student, as appropriate. Personally identifiable student information which is disclosed to an institution, agency, or organization may be used by its officers, employees, and agents, but only for the purpose for which the disclosure was made. FLVS presumes the parent, guardian, or eligible student has the authority to grant permission for disclosure of personally identifiable student information unless FLVS has been provided with evidence that there is a legally binding instrument or State law or court order governing such matters as divorce, separation, or custody which provides to the contrary.

B. Without Prior Written Consent

Personally identifiable information or records of a student may be released to the following persons or organizations without the prior written consent of the student or the student's parent or guardian:

1. Officials of schools, school systems, career centers, or public postsecondary educational institutions in which the student seeks or intends to enroll; and a copy of such records or reports shall be furnished to the parent or student upon request.
2. Other school officials, including teachers within the educational institution or agency, who have a legitimate educational interest in the information contained in the records.
3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or State or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable Federal statutes and regulations of the United States Department of Education, or in applicable State statutes and rules of the State Board of Education.

The disclosed records must be used to audit or evaluate a Federal or State supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (see Form 8330 F16)

This written agreement must include:

- a. designation of the receiving individual or entity as an authorized representative;
- b. specification of the information to be disclosed;
- c. specification that the purpose of the disclosure is to carry out an audit or evaluation of a government-supported educational program or to enforce or comply with the program's legal requirements;

- d. a summary of the activity that includes a description of the methodology and an explanation of why personally identifiable information is necessary to accomplish the activity;
- e. a statement requiring the organization to destroy all personally identifiable information when it is no longer needed to carry out the audit or evaluation, along with a specific time period in which the information must be destroyed; and
- f. a statement of policies and procedures that will protect personally identifiable information from further disclosure or unauthorized use.

Under the audit exception, FLVS will use "reasonable methods" to verify that the authorized representative complies with FERPA regulations. Specifically, FLVS will verify, to the greatest extent practicable, that the personally identifiable information is used only for the audit, evaluation, or enforcement of a government-supported educational program. FLVS will also ascertain the legitimacy of the audit or evaluation and will only disclose the specific records that the authorized representative needs. Further, FLVS will require the authorized representative to use the records only for the specified purpose and not to disclose the information any further, such as for another audit or evaluation. Finally, FLVS will verify that the information is destroyed when no longer needed for the audit, evaluation, or compliance activity.

4. Appropriate parties in connection with a student's application for or receipt of financial aid, if necessary to determine the eligibility for the aid; determine the amount of the aid; determine the conditions of the aid; and/or enforce the terms and conditions of the aid.
5. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if the studies are conducted in a manner that does not permit the personal identification of students and their parents by persons other than representatives of such organizations and if the information will be destroyed when no longer needed for the purpose of conducting such studies.

In order to release information under this provision, FLVS will enter into a written agreement with the recipient organization that specifies the purpose of the study. (see Form 8330 F14)

This written agreement must include: (1) specification of the purpose, scope, duration of the study, and the information to be disclosed; (2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; (3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and (4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

While the disclosure of personally identifiable information without consent is allowed under this exception, it is recommended that whenever possible the administration either release de-identified information or remove the students' names and social security identification numbers to reduce the risk of unauthorized disclosure of personally identifiable information.

6. Accrediting organizations, in order to carry out their accrediting functions.
7. School Readiness programs as provided in State law in order to carry out their assigned duties.
8. For use as evidence in student expulsion hearings conducted by a district school board under F.S. Chapter 120; however, public records of expulsion hearings shall not contain any personally identifiable information.
9. Appropriate parties in connection with an emergency if knowledge of the information in the student's educational records is necessary to protect the health or safety of the student or other individuals.
10. The Auditor General and the Office of Program Policy Analysis and Government Accountability in connection with their official functions; however, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General and the Office of Program Policy Analysis and Government Accountability is confidential and exempt from F.S. 119.07 (1) and shall be protected in a way that does not permit the personal identification of students and their parents by other than the Auditor General, the Office of Program Policy Analysis and Government Accountability, and their staff, and the personally identifiable data shall be destroyed when no longer needed for the Auditor General's and the Office of Program Policy Analysis and Government Accountability's official use.
11. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, upon the condition that the student and the student's parent are notified of the order or

subpoena in advance of compliance therewith by the educational institution or agency.

Student records may be disclosed pursuant to a lawfully issued subpoena, upon the condition that the student, or his/her parent if the student is either a minor and not attending a postsecondary educational institution or a dependent of such parent as defined in 26 U.S.C. 152 (section 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

12. Credit bureaus, in connection with an agreement for financial aid that the student has executed, if the information is disclosed only to the extent necessary to enforce the terms or conditions of the financial aid agreement. Credit bureaus shall not release any information obtained under this paragraph to any person.
13. Parties to an interagency agreement among the Department of Juvenile Justice, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and that support students in successfully completing their education. Information provided in furtherance of such interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of such programs and services, and as such is inadmissible in any court proceedings prior to a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.
14. Consistent with the Family Educational Rights and Privacy Act, the Department of Children and Families or a community-based care lead agency acting on behalf of the Department of Children and Families, as appropriate.
15. Parents of a dependent student as defined by the Internal Revenue Service Tax Code of 1986 and in this policy.
16. "Directory information" as specified in this policy.
17. If FLVS initiates legal action (a lawsuit) against a parent, or if the parent initiates legal action against FLVS. In such circumstances, FLVS may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for FLVS to proceed with legal action as the plaintiff or to defend itself.
18. If the release is to the Attorney General of the United States or to his/her designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes specified in Sections 2331 and 2332 of Title 18, U.S. Code.

Under this exception, school officials are not required to record (i.e., on an access log) the disclosure of information from a student's education record when the school makes pursuant to an ex parte order.

Further, an educational institution that, in good faith, produces information from education records in compliance with an ex parte order shall not be liable to any person for that disclosure.

19. If the release is otherwise permitted under Federal law.

C. Record of Disclosures

Record of any requests or disclosures of personally identifiable student information shall be maintained except for disclosures to the parent, guardian, or eligible student; disclosure of directory information; or to any other school officials with a legitimate educational interest. The record of requests for disclosure shall include the following: the parties who have requested or obtained personally identifiable student information, the legitimate interests of the persons requesting or obtaining the information, and date parental/eligible student consent was obtained.

With regard to such disclosures, a "school official" is determined to be any employee of FLVS with direct responsibility for providing services to students. A "legitimate educational interest" is determined to mean responsibility for providing direct educational services to students which will include teaching, counseling, psychological services, or other services to students which require access to personally identifiable information and/or those specified in the law.

D. Disclosures - Health or Safety Emergencies

Disclosure of personally identifiable student information may be made by school officials in the event of a health or safety emergency. Such emergency situations shall be declared in writing to the CEO by a recognized legal official with authority to declare such emergency. The declaration of a health or safety emergency shall include the need for specific personally

identifiable student information, the time requirements for the information, and the parties to whom the information is disclosed who are responsible for utilizing the information to deal with the emergency.

DIRECTORY INFORMATION

FLVS will make available, upon request, certain information known as "directory information" without prior permission of the parents or the eligible student in accordance with State and Federal law. FLVS shall charge fees for copies of designated directory information as provided in State law. Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The Board designates as student "directory information": a student's name; photograph; address; telephone number, if it is a listed number; e-mail address; date and place of birth; participation in officially-recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; grade level; enrollment status; date of graduation or program completion; awards received; and most recent educational agency or institution attended.

An annual written notice shall be given to inform parents, guardians, and eligible students of their rights of access, waiver of access, challenge and hearing, privacy, categories of personally identifiable student information designated as directory information data, and the location and availability of FLVS's policy on education records of students. Alternate methods of notice shall be made for parents, guardians, or eligible students unable to comprehend a written notice in English. Parents or eligible students may, by providing a written statement to the principal within two (2) weeks of the first day of the school year or entry into the school system request that all specific portions of directory information for that specific student not be released.

Directory information shall not be provided to any organization for profit-making purposes, unless the request is approved, in a nondiscriminatory manner, by the CEO.

In accordance with Federal law, FLVS shall release the names and addresses of students in grades ten through twelve (10-12) to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. Such data shall not be released if the eligible student or student's parents submit a written request not to release such information. The recruiting officer is to sign a form indicating that "any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces". The CEO is authorized to charge mailing fees for providing this information to a recruiting officer. A secondary school student or parent of the student may request that the student's name, address, and telephone listing not be released without parental consent.

Whenever parental consent is required for the inspection and/or release of a student's health or educational records or for the release of "directory information", either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order. If the student is under the guardianship of an institution, the CEO shall appoint a person who has no conflicting interest to provide such written consent.

Transfer of Student Records

When a student, previously enrolled in FLVS transfers out of FLVS to another school, public or private, within this State or out of State, the Principal, upon written request of the principal of the receiving school, the parent, guardian, or eligible student, shall, within three (3) school days, transfer a copy of the student's cumulative record containing Category A and B information to the requesting school. Pursuant to Federal law, disciplinary records with respect to suspension and expulsion shall be considered "other records of educational importance" and, as a Category B record, shall be transferred to the requesting school. The Board authorizes the administration to forward all Category A and B student records, including disciplinary records with respect to any current suspension and expulsion, upon request to a school or school district in which a student of FLVS is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record. The school shall retain a copy of the Category A information in its files. A copy of the Category B (Exceptional Student Education Audit File) records will also be retained. Category B health and testing information shall be retained if it is related to a weighted or categorical program placement which is subject to audit. The files which are retained will be held by the Principal who is the custodian of the records for the period of time specified in the Student Records Manual. Category A student records and Category B (Exceptional Student Education Audit File) beyond the specified time after the student leaves FLVS will be forwarded to Records Management. When a request comes to the school for student records after the files have been sent to Records Management, the written request should be forwarded to Records Management. Based upon reasonable requests, viewers of educational records will receive explanation and interpretation of the records. Records Management will make copies of the student's files at the current FLVS copy rate, which shall not exceed the maximum rate for copies of public records as set forth in F.S. Chapter 119.

If applicable, the records to be transferred shall also include:

- A. verified reports of serious or recurrent behavior patterns, including threat assessment evaluations and intervention services;
and

- B. psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by School District or charter school staff, as appropriate.

The records shall be transferred within three (3) school days of receipt of a written request from the principal of the receiving school, the parent, guardian, or eligible student.

While all reasonable efforts shall be made to collect for damaged or lost library books or textbooks, under no conditions shall the transfer of a student's cumulative record be delayed or denied for failure to pay any fine or fee assessed by the school. Progress reports to parents (report cards) may not be withheld for failure to pay any fine, fee, or an assessment for lost or damaged books.

The CEO shall prepare administrative procedures to ensure that students and parents are adequately informed each year regarding their rights to:

- A. inspect and review the student's educational records;
- B. request amendments if the parent believes the record is inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- C. consent to disclosures of personally identifiable information contained in the student's educational records, except to those disclosures allowed by the law;
- D. challenge FLVS noncompliance with a parent's request to amend the records through a hearing;
- E. file a complaint with the Department of Education;
- F. obtain a copy of FLVS's policy and administrative procedures on student records.

The CEO shall also develop, and update as needed, procedures for:

- A. the proper storage and retention of records including a list of the type and location of record;
- B. informing FLVS employees of the Federal and State laws concerning student records.

FLVS is authorized to use the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of FLVS specifically as a consequence of permitting access or furnishing student records in accordance with this policy and procedures.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation, or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be re-disclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation, or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

Request for Student Social Security Numbers at Enrollment

When a student enrolls in FLVS, FLVS shall request that the student provide his/her social security number and shall indicate whether the student identification number assigned to the student is his/her social security number. A student satisfies this requirement by presenting his/her social security card or a copy of the card to a school enrollment official. However, a student is not required to provide his/her social security number as a condition for enrollment or graduation.

Legal

F.S. Chapter 119

F.S. 1001.41

F.S. 1001.52

F.S. 1002.22

F.S. 1002.221

F.S. 1002.222

F.S. 1003.25

F.A.C. 6A-1.0955

20 U.S.C. 1232f (FERPA)

20 U.S.C. 1232g (FERPA)

20 U.S.C. 1232h (FERPA)

20 U.S.C. 1232i (FERPA)

20 U.S.C. 7908

26 U.S.C. 152

20 U.S.C. 1400 et seq., Individuals with Disabilities Act

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

No Child Left Behind Act of 2001 - P.L. 107-110

Public Records Policy



Book	Clean
Section	8000 Operation
Title	PUBLIC RECORDS
Code	po8310
Status	From Neola

8310 - **PUBLIC RECORDS**

The Board of Trustees ("Board") recognizes its responsibility and obligations of Florida Virtual School ("FLVS") to maintain public records and to make such records available for inspection.

Exemptions from Public Records

"Public records" generally means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made, or received pursuant to law or ordinance or in connection with the transaction of official business of FLVS. Due to the growing number of exemptions set forth in Florida law, it is impracticable for the School Board to provide an all-inclusive list of every document that may be exempt from the definition of "public records." However, "public records" do not typically include student records, medical records, documents containing genetic information, trial preparation records, and confidential law enforcement investigatory records, all of which are exempt from public disclosure. The determination of whether a particular document is exempt will be made upon receipt of a request for release of said document as a public record.

Personally identifiable information of a dependent child of a current or former officer or employee of FLVS, who is insured by a group insurance plan provided by FLVS, is also exempt from public records requirements as set forth in the State Constitution and State statutes. This exemption applies to all personally identifiable information held by FLVS.

Further, the home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers whose duties include hiring and firing employees, labor contract negotiations, administration, or other personnel-related duties, as well as the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel, and the names and locations of schools and day care facilities attended by the children of such personnel, are exempt from F.S. 119.07(1) and Section 24(a), Article 1 of the State Constitution.

The identity of a school or postsecondary educational institution, the personally identifiable information of FLVS personnel, or any specific allegations of misconduct obtained or reported pursuant to an investigation of a testing impropriety conducted by the Department of Education are confidential and exempt from the constitutional public records provisions until the conclusion of the investigation or until such time as the investigation ceases to be active.

Pursuant to State law, a complaint of misconduct against an FLVS employee, and all information obtained pursuant to an investigation by FLVS of the complaint of misconduct, are confidential and exempt from inspection or copying until the investigation ceases to be active, or until FLVS provides written notice to the employee who is the subject of the complaint, in the manner set forth below, that FLVS has either:

- A. concluded the investigation with a finding not to proceed with disciplinary action or file charges, or
- B. concluded the investigation with a finding to proceed with disciplinary action and/or to file charges. If the investigation results in such a finding, FLVS shall also file a legally sufficient complaint regarding the misconduct as required by State law.

Any material that is derogatory to an employee shall not be open to inspection for an additional ten (10) days after the employee has been notified either:

- A. by certified mail, return receipt requested, to his/her address of record; or

B. by personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

Access to Public Records

Pursuant to State law, the CEO shall appoint a Records Management Liaison Officer ("RMLO"), who shall serve as the primary point of contact between FLVS and the Division of Library and Information Services of the Florida Department of State, which is the agency responsible for the State's records management program. The CEO shall also appoint a "Custodian of Records" for FLVS who shall be responsible for implementing the requirements in State law and the State's records management program regarding the public records maintained by FLVS.

Any individual may inspect and request copies of public records of FLVS during the regular business hours of the office in which such records are maintained. FLVS may not require requests for public records to be in writing, nor may the person requesting the information be required to disclose the name, address, or phone number unless specifically required to do so by law. The Custodian of Records is authorized to grant or refuse access to the records of FLVS in accordance with the intent of this policy and applicable law.

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under the supervision of the custodian of public records.

An FLVS employee who has custody of public records may designate another FLVS employee to permit the inspection and copying of public records but must disclose the identity of the designee to the person requesting to inspect or copy the public records.

No record in a personnel file which is confidential and exempt from inspection and copying pursuant to applicable law shall be disclosed except as provided by applicable law.

A custodian of public records and/or his/her designee must promptly acknowledge, in writing, requests to inspect or copy records promptly and respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other officers or employees of FLVS whether such a record exists, and, if so, the location at which the record can be accessed. Upon determination that the requested record exists, it must be reviewed to determine whether it contains any information that would be statutorily exempt from public inspection or copying as provided by law.

Duplicated copies or certified copies of FLVS's public records shall be provided upon payment of the appropriate fee set forth in the Florida statutes. If the nature or volume of the public records requested will require extensive use of information technology resources or more than fifteen (15) minutes of clerical or supervisory assistance by FLVS personnel, a special service charge attributable to the extensive use of the information technology resources and/or the labor cost of the personnel providing the service will be collected as permitted by State law.

In addition, the actual cost of duplication will be collected for copies of the FLVS's public records in a form other than a duplicated copy. The special service charge will also be collected if the requested copies of the public records in a form other than duplicated copy will require extensive use of information technology resources or more than fifteen (15) minutes of clerical or supervisory assistance by FLVS personnel as permitted by State law.

If the request for copies of a public record in any form could result in the collection of a special service charge, an estimate of the fee that will be due and payable shall be provided to the requestor. The duplication of the requested records will commence upon payment of the estimated fee by the requestor.

No public record may be removed from the office in which it is maintained, except by a Board employee in the course of the performance of his/her duties.

All FLVS records will be maintained in accordance with general records schedules GS1-SL and GS7, as established by the Department of State.

Legal

F.S. Chapter 119

F.S. 119.071(2)(k)

F.S. 257.36(5)(a)

F.S. 286.011

F.S. 1002.221

F.S. 1003.25(1)

20 U.S.C. 1232g

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

29 C.F.R. Part 1635

Article I, Section 24, State Constitution

F.A.C. 1B-24.001

F.A.C. 1B-24.003

F.A.C. 1B-26.0021

F.A.C. 1B-26.003

Records Management Policy



FLORIDA VIRTUAL
SCHOOL

Book	Clean
Section	8000 Operation
Title	RECORDS MANAGEMENT
Code	po8320
Status	From Neola

8320 - **RECORDS MANAGEMENT**

The President and Chief Executive Officer ("CEO") of Florida Virtual School ("FLVS") is the principal officer charged with the responsibility of maintaining all public, official, and education records of FLVS. The Board of Trustees ("Board") authorizes the CEO to designate FLVS personnel to accomplish such responsibilities and obligations in accordance with Florida law and Board Policies.

The Bureau of Archives and Records Management

The Florida Bureau of Archives and Records Management establishes standards for controlling, retaining, destroying, and preserving public records. The CEO shall see to it that such standards are maintained and satisfied by FLVS.

Records Management Responsibilities

Records are to be maintained by the organizational department that houses the repository for their unique records. Upon request by the Records Management Department, the organizational departments will provide any/all records to satisfy a Public Request for Records or a Subpoena as deemed necessary by Records Management Department.

The CEO has the responsibility to comply with State statutes and designate a Records Management Liaison Officer (RMLO) for FLVS. The Records Management Liaison Officer functions as the primary point of contact between FLVS and the Bureau of Archives and Records Management.

Records Retention Schedule

FLVS is required by law to submit a request for records retention to the Bureau of Archives and Records Management for all record series being used by FLVS. Each records retention schedule is analyzed by the Bureau to determine the document value and thus establish a period of time for which the documents are to be retained. In addition, the records retention schedule is reviewed to determine whether the records merit further retention by the State in the Florida State Archives. Once approved by the Bureau, the records retention schedule becomes the submitting FLVS official retention schedule for the record. The Records Management Liaison Officer has the responsibility of maintaining existing records retention schedules and submitting new and updated requests to the Bureau.

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Legal	F.S. 119.011
	F.S. 1002.22

B003 – HOLIDAYS

B003—HOLIDAYS

Policy Issue Date: 7/1/2018

Page 1 of 2

POLICY:

FLVS has established, as an added benefit, paid holidays for all eligible full-time employees. The calendar for FLVS is based on the fiscal year of July 1 through June 30. During that period of time there are observed holidays and a winter break that are approved and paid for all full-time employees.

12-Month Contract Employees

Independence Day (5)	Monday-Friday	July 2-6, 2018
Labor Day	Monday	September 3, 2020
Thanksgiving (3)	Wed/Thurs/Fri	November 21-23, 2018
Winter Break (11)	Friday-Friday	December 18, 2019-January 1, 2020
Martin Luther King, Jr. Day	Monday	January 21, 2019
Presidents Day	Monday	February 18, 2019
Memorial Day	Monday	May 27, 2019

An employee who is on pre-approved paid leave shall retain eligibility to be in a paid status for the holiday.

Employees on an unpaid Leave of Absence (LOA) are not eligible to receive pay for holiday.

Your FLVS Board of Trustees allotted an additional calendar day to the winter holiday break schedule in lieu of a personal holiday option.

~~B003—HOLIDAYS~~

~~Page 2 of 2~~

~~10-Month Contract Employees~~

Labor Day	Monday	September 3, 2018
Thanksgiving (5)	Monday-Friday	November 19-23, 2018
Winter Break (11)	Friday-Friday	December 21, 2018-January 4, 2019
Martin Luther King, Jr. Day	Monday	January 21, 2019
Presidents Day	Monday	February 18, 2019
Spring Break (5)	Monday-Friday	March 18-22, 2019
Memorial Day	Monday	May 27, 2019

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**F004 – CONTRACT/
SIGNING AUTHORITY**

F004—CONTRACT/SIGNING AUTHORITY

Policy Issue Date: 7/1/2018

Page 1 of 1

POLICY:

The President/CEO is authorized to approve and execute all contracts, agreements, and memoranda of understanding on behalf of the Board. The President/CEO shall have authority to approve and execute 1) contracts that have been competitively bid or procured by other means allowable by State law, rule, or regulation and awarded by the Board, and 2) contracts for the purchase of commodities and contractual services whose cumulative total value over a fiscal year is below \$100,000.00. The President/CEO may delegate this authority. Delegated authority must be in writing and signed by the appropriate delegator and filed with the Procurement Department. Contracts, agreements, and memoranda of understandings may include, but are not limited to the following:

- Cooperative agreements with other educational agencies
- Agreements with state, federal, and local agencies to receive grants, awards, or gifts
- Partnership school agreements
- Non-disclosure Agreements (NDA)
- Rental or license agreements for conference halls, auditoriums, or meeting space
- Agreements with other governmental bodies that do not entail expenditure of school funds
- Agreements with other entities that fund school system programs
- Agreements for the school to provide products or services to other parties
- Interagency agreements
- A change order, amendment, statement of work (SOW), or renewal to an agreement or contract not requiring Board approval per the Purchasing Policy
- License agreements for software or other materials
- Any other agreement that is deemed to be routine and of a type similar to those listed
- Proposals submitted by FLVS seeking business opportunities
- Contract assignment requests

The use of automated signing tools is an acceptable means of confirming or authorizing the acceptance of a formal document. The nature of this tool requires strict controls. The use of an automated signature function (separate and distinct from the Accounting Facsimile Signatures) to obtain the signature of the President/CEO shall be limited to such persons specifically receiving written authorization prior to utilization. Use of this function shall be limited to documents that, while used to create some relational or functional commitment on behalf of Florida Virtual School, have received prior approval and are maintained by the FLVS Legal office. Any document used in this capacity shall be issued in the exact format and language as approved without modification or alteration. Modification or alteration of a document without written prior approval from the office of Professional Standards and the President/CEO while applying the automated signature of the President/CEO shall be considered as fraudulent behavior and shall result in disciplinary action potentially resulting in termination of employment.

F005 – FLVS FOUNDATION

F005 – FLVS FOUNDATION

Policy Issue Date: 7/1/2018

Page 1 of 1

POLICY:

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

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

F011 – PURCHASING

~~F011 — PURCHASING~~

~~Policy Issue Date: 7/1/2018~~

~~Page 1 of 5~~

~~POLICY:~~

~~(1) Purchasing and Contracting Authority~~

~~The Purchasing Department shall provide a uniform and systematic method for procurements in an efficient, cost-effective manner in accordance with, and as permitted by, applicable federal and state laws, Florida State Board of Education Rules, FLVS policies, and administrative rules, procedures, and guidelines which promote transparency and accountability in the expenditure of public funds and the use of public resources.~~

~~The Director of Procurement shall, under the direction of the Senior Executive Director of Finance or his/her designee, have the authority for the procurement of commodities and contractual services and to expend monies which are properly budgeted and adhere to the following requirements except as authorized by rule or law or otherwise provided herein:~~

~~(A) All expenditures budgeted for commodities and services shall be processed through the Purchasing Department and receive approval in accordance with Purchasing's operating procedures and FLVS Policy F004.~~

~~(B) Purchase of Commodities and Contractual Services~~

~~(i) Unless otherwise provided herein, purchasing of commodities and contractual services whose cumulative total value over a fiscal year equals or exceeds \$50,000 shall be competitively bid using one of the following procurement methods, herein after referred collectively as "bids, waivers and exemptions":~~

~~(a) Invitation to Bid (ITB)~~

~~(b) Request for Proposal (RFP)~~

~~(c) Invitation to Negotiate (ITN)~~

~~(d) Any and all other means allowable by State law, rule, or regulation~~

~~(ii) All bids, waivers and exemptions whose total value equals or exceeds \$100,000 over a fiscal year or estimated award amount exceeds \$100,000 shall be presented to the Board for approval prior to the execution of the contract and/or purchase order. Bids, waivers, and exemptions whose total value over a fiscal year or estimated award amount is less than \$100,000 shall be approved by the Director of Procurement or designee.~~

~~(a) Contracts resulting from the award of bids, waivers and exemptions that are within the board approved budget shall be approved by the Director of Procurement or designee.~~

~~(iii) All purchases of commodities and contractual services whose cumulative total value over a fiscal year equals or exceeds \$25,000, but less than \$50,000 shall require at least three formal written quotes by the Purchasing Department unless waived by the Director of Purchasing or designee. All formal quotes shall be approved by the Director of Procurement or designee.~~

~~(iv) All purchases of commodities and contractual services whose cumulative total value over a fiscal year is under \$25,000 should be purchased in accordance with purchasing guidelines and procedures. It is recommended that quotes be obtained when possible. Quotes may be obtained by the department authorized personnel or Purchasing as deemed necessary. All quotes shall be approved by the Director of Procurement or designee.~~

- ~~(C) Amendments and Change Orders to Contracts — Board of Trustees approval shall be required for all amendments or change orders to contracts for commodities and services when the amount of the amendment or change order exceeds the Board approved budget for the expenditure or there is a material change that was not contemplated in the contract and the change order exceeds \$100,000. The Director of Procurement, CEO, the Office of Professional Standards, or designee shall approve all other change orders and amendments that do not meet the above criteria for BOT approval. A monthly report of all approved change orders shall be submitted to the Finance and Budget Committee as an information item. For each approved change order, previous change orders (if any) shall be included to provide a cumulative list of change orders for the contract.~~
- ~~(D) Procurement Review — All contract templates and any changes thereto shall be reviewed and approved by the Director of Procurement.~~

~~(2) — General Provisions Related to Competitive Solicitations~~

~~(A) — Tie Bids~~

~~In the case of identical qualified bids, the following criteria shall be utilized to determine award of bid:~~

- ~~1. Minority and Women’s Business Enterprises (M/WBE) Vendor certified by one of the following agencies: Orange County Government, City of Orlando, State of Florida, or National Supplier Diversity Council (NMSDC)~~
- ~~2. Certification under Florida Statutes as a Drug Free Workplace~~
- ~~3. Payment discount offered~~
- ~~4. Coin flip~~

~~(B) — Reserved Rights of the District~~

~~The Board of Trustees reserves the right to reject any or all bids, to waive irregularities and informalities, and to award the bid which serves the best interest of the District.~~

- ~~(C) Public inspection and copying of bids/proposals shall be in accordance with Fla. Stat. §119.07, Inspection and Copying of Records. Sealed bids or proposals received by the Purchasing Department are exempt from inspection by the bidder until such time as the agency provides notice of a decision or intended decision pursuant to Fla. Stat. §120.57(3) or within 30 days after bid or proposal opening, whichever is earlier. Original documents must remain in the custody of the Purchasing Department.~~

~~(3) — Procurement Options~~

~~The following procurement option may be used to purchases of goods or services:~~

~~(A) — Procurement card purchases~~

~~The Senior Executive Director of Finance is authorized to administer a purchasing card program and to establish procedures in accordance with the purchasing card policy.~~

~~(4) — Requisition Procedure~~

~~Purchases shall be based upon a requisition or an approved procurement card transaction. Each requisition, transaction or contract shall be properly financed, budgeted, and encumbered prior to the issuance of a purchase order. In no case shall the purchase commitment precede the date of the purchase order except as provided herein for emergency purposes.~~

~~(5) — Multi-Year Purchase Agreements~~

~~No obligation shall be created by contract, purchase order, maintenance agreement, lease-purchase agreement, lease agreement or other instrument which exceeds a period of 12 months unless such agreement contains a statement permitting the Board of Trustees to unconditionally terminate the obligation if funding is not available.~~

~~(6) The CEO/President (or designee) is authorized to enter into independent contracts with a person who is a sole proprietor of a business who provides a service to the district where the total or cumulative amount for a fiscal year does not exceed the bid threshold.~~

~~(7) — Emergency Purchases~~

~~FLVS may dispense with requirements for competitive solicitations for the emergency purchase of commodities or contractual services when the CEO/President (or designee) determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the school district requires emergency action. After the CEO/President makes such a written determination, the Purchasing Department may proceed with the purchase of commodities or contractual services necessitated by the immediate danger, without requesting competitive solicitations.~~

~~However, such an emergency purchase shall be made by obtaining pricing information from at least two prospective vendors, which must be retained in the contract file, unless the President/CEO determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the school district. The emergency purchase will be submitted to the Board of Trustees as an information item if it equals or exceeds \$100,000.~~

~~(8) — Conflict of Interest~~

~~(A) — No contract for goods or services shall be made with any business organization other than governmental agencies in which any of the following apply:~~

- ~~(i) The CEO/President or a member of the Board of Trustees has any financial interest whatsoever~~
- ~~(ii) A relative as defined in FLVS policy PS023 of the CEO/President or a board of trustees has an employment relationship, or a material interest as defined by Section 112.312(15), Florida Statutes~~
- ~~(iii) An employee of the district has a material interest as defined by Section 112.312(15), Florida Statutes, unless the contract is based upon a competitive bid and the employee has not, directly, or indirectly, participated in the development of bid specifications or in the recommendation for purchase or award~~

~~(B) No employee or official of the Board of Trustees shall use bid prices or school prices or receive any other preferential treatment in the making of personal purchases. Neither shall any employee or official make purchases for personal use through the school or the school district. Nothing contained herein shall be deemed to prohibit an employee from participating in any activity or purchasing program that is publicly offered to all employees of the district.~~

~~(C) Any violation of any provision of this subsection by an employee of the district shall be grounds for disciplinary action that could include dismissal.~~

~~(D) No employee shall be the approver or initiator of purchases from any business organization in which a family member is the point of contact, the person performing the work, or works for the business organization. In this situation, the employee is required to recuse themselves from participating directly or indirectly in the procurement process.~~

~~(9)—Protests~~

~~(A) All competitive solicitations shall include a notification to bidders that failure to file a protest within the time and manner prescribed by Florida Statute §120.57 and §255.0516 shall constitute a waiver of any further right to protest such bid award.~~

~~(i) Purchasing shall post notice of its decision or intended decision concerning a competitive solicitation or contract award on the Purchasing website www.flvs.net.~~

~~(B) If a bidder wishes to protest a bid, they must do so in strict accordance with the procedures outlined in FS 120.57(3). Any person who files an action protesting the bid specifications or a decision or intended decision pertaining to this bid pursuant to FS 120.57(3)(b), shall post with the Purchasing Department at the time of filing the formal written protest, a bond payable to the Board of Trustees of Florida Virtual School in an amount equal to 1 percent (1%) of the total estimated contract value, but not less than \$500 nor more than \$5,000, which bond shall be conditioned upon the payment of all costs which may be adjudged against the protester in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. In lieu of a bond, a cashier's check, certified bank check, bank certified company check, or money order will be acceptable form of security.~~

~~If, after completion of the administrative hearing process and any appellate court proceedings, the district prevails, it shall recover all costs and charges which shall be included in the final order of judgment, including charges made by the Division of Administrative Hearings, but excluding attorney's fees. Upon payment of such costs and charges by the protester, the protest security shall be returned. If the protester prevails, he or she shall recover from the district all costs and charges which shall be included in the final order of judgment, excluding attorney's fees~~

~~(10)—Debarment~~

~~Pursuant to Fla. Stat. §1001.32(2) and similar to §287.042(1)(b), the Board shall have the authority to debar a person/company for cause from consideration or award of future contracts. The debarment shall be for a period commensurate with the seriousness of the causes, generally not to exceed three (3) years. When the offense is willful or blatant, a longer term of debarment may be imposed, up to an indefinite period.~~

~~(11)—Lobbying~~

~~Lobbying is defined as any action taken by an individual, firm, association, joint venture, partnership, syndicate, corporation, and all other groups who seek to influence the Governmental decision of a Board of Trustee's Member or FLVS Personnel after advertisement and prior to the award of this contract.~~

~~Vendors/bidders shall not contact Board of Trustees' members, staff, or committee members after the advertisement of the competitive solicitation to the award. All procedural matters shall be directed to the Director of Procurement.~~

~~In addition, evaluation committee members or other district employees shall not be contacted or approached by representatives of any potential vendors/bidders during the solicitation process. Contact or communication initiated as described above, may result in disqualification of said proposal~~

~~(12) — Gifts and Gratuities~~

~~Employees shall not accept gifts, gratuities or loans from organizations, business concerns, or individuals with whom they have official business relationships. The term gift or gratuity does not include information materials such as books, reports, pamphlets, calendars, periodicals, or other unsolicited promotional material.~~

~~These limitations are not intended to prohibit the acceptance of articles of negligible value or which are distributed generally nor to prohibit employees from accepting social courtesies which promote good public relations or accepting loans from public institutions. Employees should guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage, or collusion.~~

LAWS IMPLEMENTED: Sections 112.312(1); 120.53; 120.57; 1001.42; 1001.51; 1010.01; 1010.04, 1011.01; 282.303; 287.055; 287.087; 287.093; 288.703(2), Florida Statutes

STATE BOARD OF EDUCATION RULES: 6A-1.012; 6A-7.042

FA002 – ACCIDENT REPORTS

FA002 – ACCIDENT REPORTS

Policy Issue Date: 7/1/2018

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POLICY:

In case of accident or injury involving any employee of the school board, the supervisor of the employee shall, immediately notify the Office of Professional Standards and Benefits and Compensation departments.

Laws Implemented: Section 230.23(5)(11); 230.33(13); 231.085; 231.09(7) Florida Statutes

**PM003 – FLORIDA'S
BEST AND BRIGHTEST
TEACHER AND
PRINCIPAL PROGRAMS**

PM003 – FLORIDA’S BEST AND BRIGHTEST TEACHER AND PRINCIPAL PROGRAMS

Policy Issue Date: 7/1/2018; Updated 7/1/2019

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POLICY:

Florida’s Best and Brightest Teacher and Principal programs are state-funded monetary award programs for classroom teachers and instructional personnel who demonstrate high academic and performance standards and for school principals whose schools make noticeable academic improvement. FLVS follows all Best and Brightest program requirements as identified in Florida Statutes 1012.731 and 1012.732. The payment of awards under these programs is subject to annual appropriation by the Florida Legislature in the General Appropriations Act, and in the event the calculated awards exceed the allocation to FLVS, the awards will be prorated.

PROCEDURE:

ELIGIBILITY REQUIREMENTS

The Florida Best and Brightest Teacher Program

1. Recruitment Award.

Classroom teachers, as defined in section 1012.01(2)(a), Florida Statutes, who are

- a. newly hired by FLVS; and
- b. a content expert in mathematics, science, computer science, reading, or civics, as defined by the Florida Department of Education,

are eligible for a one-time Recruitment Award. The one-time Recruitment Award shall be \$4,000. “Newly hired” means first hired by FLVS in the calendar year (January 1 – December 31) immediately preceding the award year.

Per Florida Department of Education Rule 6AER19-01, *Content Expert for Best and Brightest Recruitment Award*, newly hired “content experts” are defined below:

For the areas of mathematics, science, or computer science, a person who has either:

- Earned at least a master’s degree in the areas of mathematics, science, or computer science from an institution accredited by the United States Department of Education; or
- Earned at least a bachelor’s degree in the areas of mathematics, science or computer science from an institution accredited by the United States Department of Education and who has at least five (5) years’ teaching experience in the associated subject area or at least five (5) years’ work experience in the associated subject area.

For the area of civics, a person who has either:

- Earned at least a master’s degree in political science, American history, social studies, or social science from an institution accredited by the United States Department of Education; or
- Earned at least a bachelor’s degree in political science, American history, social studies, or social science from an institution accredited by the United States Department of Education and who has at least five (5) years’ teaching experience in the associated subject area or at least five (5) years’ work experience in the associated subject area.

For the area of reading, a person who has either:

- Earned at least a master’s degree in English, English literature, reading, or literacy instruction from an institution accredited by the United States Department of Education; or

PM003—FLORIDA’S BEST AND BRIGHTEST TEACHER AND PRINCIPAL PROGRAMS

Page 2 of 3

- Earned at least a bachelor’s degree in English, English literature, reading, or literacy instruction from an institution accredited by the United States Department of Education and who has at least five (5) years’ teaching experience in English language arts or reading

Newly hired classroom teachers eligible for the Recruitment Award must submit an application to bestbrightestprogram@flvs.net by January 31 of the award year to be considered. Verification of employment or college transcript (as needed) must be included with the application in order to determine eligibility.

Eligible classroom teachers may only be considered a “content expert” in one subject area, as defined above, for the purposes of the Recruitment Award.

2.—Retention Award.

Classroom teachers, as defined in section 1012.01(2)(a), Florida Statutes, who

- a.—were rated as highly effective or effective in the immediately preceding school year pursuant to section 1012.34, Florida Statutes; and
- b.—taught in a FLVS Full Time program school (Elementary—MSID 300; Middle—MSID 801; High School—MSID 400) for 2 consecutive school years, including the current school year, which has improved an average of 3 percentage points or more in the percentage of total possible points achieved for determining school grades over the prior 3 years, as calculated by the Florida Department of Education,

are eligible for a Retention Award. The Retention Award shall be \$2,500 for highly effective teachers and \$1,000 for effective teachers.

3.—Recognition Award.

Instructional personnel, as defined in section 1012.01(2), Florida Statutes, who

- a.—were rated as highly effective or effective in the immediately preceding school year pursuant to section 1012.34, Florida Statutes; and
- b.—have been employed in an eligible instructional personnel role in the FLVS school district for 2 consecutive school years, including the current school year; and
- c.—are employed in an active instructional personnel role at the time of award distribution,

are eligible for a Recognition Award. The Recognition Award shall be a pro rata amount of the total funds remaining from the Florida Best and Brightest Teacher and Principal Allocation after the payment of the Recruitment and Retention Awards described above, and the Principal Award described below. Instructional personnel who are rated as Highly Effective will receive the full pro rata award amount. Instructional personnel who are rated as Effective will receive between 50%–75% of the total pro rata award amount.

Classroom teachers who are eligible for the Retention Award are not eligible for the Recognition Award.

The Florida Best and Brightest Principal Program

1.—Principal Award.

School principals, as defined in section 1012.01(3)(c)1., Florida Statutes,

- a.—who served as a school principal at his/her FLVS Full Time program school (Elementary—MSID 300; Middle—MSID 801; High School—MSID 400) for at least 4 consecutive school years, including the current school year; and
- b.—whose school improved an average of 3 percentage points or more in the percentage of total possible points achieved for determining school grades over the prior 3 years, as calculated by the Florida Department of Education,

are eligible for a Principal Award. The Principal Award shall be \$5,000.

The Florida Best and Brightest Teacher and Principal Programs are only applicable to the FLVS Flex and Full Time Programs. Global Program teachers and principals are ineligible for the Best and Brightest Program.

~~PM003 — FLORIDA'S BEST AND BRIGHTEST TEACHER AND PRINCIPAL PROGRAMS~~

~~Page 2 of 3~~

~~DISTRIBUTION of AWARD~~

~~The Best and Brightest Program awards will be paid to eligible employees prior to April 1st of the current school year. The total award amount paid to each eligible employee will include deductions for both employer and employee taxes.~~

RM002 – PUBLIC RECORDS REQUEST

RM002 – PUBLIC RECORDS REQUEST

Policy Issue Date: 7/1/2018

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POLICY:

A public records request is a request made by a member of the public for documents or items that are public records pursuant Florida Statutes, section 119.07.

All public records requests are to be made through the Records Custodian. The decision as to whether a public record will be disclosed or not will be determined by the Records Custodian.

Definitions:

Public Records: Florida's public records law, Chapter 119 of the Florida Statutes, defines public records as: *All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form, or characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.* All documents and other written materials that are made or received pursuant to law or that are made or received in the transaction of official school board business are public records which, regardless of form, are open for public inspection unless the legislature has specifically exempted them from disclosure. Electronic mail messages, if the messages meet these criteria, qualify as public records.

Public Records Request: A request by a member of the public for documents or items that are public records. No particular form or format is required for such a request.

Exemption: A provision in the law that dictates that certain document or other written materials should not be produced in response to a public records request.

PROCEDURE:

All initial Requests for Records must be submitted for legal review under the Office of Professional Standards. Once the request is approved by Board Legal, the Legal Records Support Representative must acknowledge and invoice the Requestor Pursuant to Florida Statutes, section 119.07. Once payment is received from the Requestor, the Legal Records Support Representative will process payment and submit a request to IT for retrieval of records. After the retrieval of all records, the records will be sent to the RMLO for final approval and will provided to the requestor by the Legal Records Support Representative.

Laws Implemented: Section 119.07 Florida Statute

**RM006 – THE PERMANENT
CUMULATIVE PUPIL
RECORD**

RM006 – THE PERMANENT CUMULATIVE PUPIL RECORD

Policy Issue Date: 7/1/2018

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POLICY:

A permanent cumulative record shall be maintained for each student who is enrolled in FLVS. State Board of Education Rule 6A-1.0955 and Florida Statutes shall be followed when entering student information in the record, including use of the prescribed forms:

- ~~The President/CEO or designee shall provide directions for instructional personnel on record maintenance and access to information pursuant to federal laws, Florida Statutes, and State Board of Education Rules.~~
- ~~Personally identifiable records or reports of students may be released to persons or organizations without the consent of the students or their agent(s) or legal guardian only as provided in Section 1002.22, Florida Statutes.~~
- ~~Guidelines may be adopted by FLVS to implement the recording and classifying of information.~~
- ~~Copies of records of students withdrawing or enrolling in other public schools in the district or transferring to another school within this state or out of this state shall be transferred to the enrolling schools upon request from the receiving principal. The transfer of student records shall not be delayed for nonpayment of a fee or fine assessed by the school.~~
- ~~The President/CEO and the Records Management Section are authorized to assess a charge for reproduction of student records or transcripts as set forth in file GBGA Photocopying Public Records.~~

Laws Implemented: Sections 119.07(1); 119.08; 1002.22; 1001.42, 1001.52; 1012.28; 1001.54; 1003.25, Florida Statutes

**RM007 – STUDENT
DISCIPLINE RECORDS**

~~RM007 – STUDENT DISCIPLINE RECORDS~~

~~Policy Issue Date: 7/1/2018~~

~~Page 1 of 1~~

POLICY:

A student's discipline record shall be maintained in the student's discipline file.

Laws Implemented: Sections 1001.42; 1012.28; 1001.54, Florida Statutes