

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.	HR	FMLA Leave
2.	HR	Domestic Violence Leave
3.	HR	Sick Leave
4.	HR	Annual Leave
5.	HR	Other Leaves of Absence
6.	Students	Student Suicide Prevention, Awareness, and Screening
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10.	Students	Bullying and Harassment
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12.	Students	Disorder and Demonstration
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15.	Students	Suspension/Expulsion of Disabled Students
16.	Students	Removal, Out-of-School Suspension, Disciplinary Placement, and Expulsion of Students
17.	Students	Due Process Rights
18.	Students	Search and Seizure
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PROPOSED REPEALS AND "STRIKE-THROUGHS"

Exh.	Dept./Subject	Short Title
20.	HR	Annual Leave Benefit
21.	HR	Domestic Violence
22.	HR	Leaves of Absence
23.	HR	Sick Leave
24.	Students	Policy Against Bullying and Harassment

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 at (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, November 30, 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. 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 at (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 at (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.

1430.01
FMLA Leave



Book	Clean
Section	1000 Administration
Title	FMLA LEAVE
Code	po1430.01
Status	From Neola

1430.01 - FMLA LEAVE

Qualifying Reasons for FMLA and Military Family Leave

In accordance with the Family and Medical Leave Act of 1993, as amended, (FMLA), eligible employees may take up to twelve (12) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the employee has earned or accrued it, for the following reasons:

- A. the birth and/or care of a newborn child of the employee, within one (1) year of the child's birth;
- B. the placement with the employee of a child for adoption or foster care, within one (1) year of the child's arrival;
- C. the employee is needed to provide physical and/or psychological care for a spouse, child, or parent with a serious health condition;
- D. the employee's own serious health condition makes him/her unable to perform the functions of his/her position; or
- E. any qualifying exigency (as defined in applicable Federal regulations) arising out of the fact that the employee's spouse, son, daughter, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces (Qualifying Exigency Leave). Covered active duty means duty during deployment with the Armed Forces to a foreign country.

In addition, an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member may take up to a total of twenty-six (26) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the employee has earned or accrued it, during a single twelve (12) month period to provide physical and/or psychological care for the covered service member (Military Caregiver Leave). A covered service member is defined as (1) a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the

Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. In the case of a veteran, the injury or illness could have manifested itself before or after the member became a veteran. The single twelve (12) month period for leave to care for a covered service member with a serious injury or illness begins the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established below for general FMLA leave. During the single twelve (12) month period, an eligible employee is limited to a combined total of twenty-six (26) work weeks of unpaid leave for any FMLA-qualifying reason. (Only twelve (12) of the twenty-six (26) work weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

Eligible Employees

Employees are eligible if they have worked for FLVS for at least twelve (12) months and for at least 1,250 hours over the twelve (12) months prior to the leave request. Months and hours that members of the National Guard or Reserve would have worked if they had not been called up for military service counts towards the employee's eligibility for FMLA leave. While the twelve (12) months of employment need not be consecutive, employment periods prior to a break in service of seven (7) years or more will not be counted unless the break is occasioned by the employee's fulfillment of his/her National Guard or Reserve military obligation, or a written agreement exists concerning FLVS's intention to rehire the employee after the break in service.

The employee does not have to request the leave for it to be considered as FMLA. If the employee's condition or family situation meets the qualifications of a serious health condition or family situation as defined under FMLA, the period of absence will be designated as FMLA as determined by the Benefits Department based on the information received. This is to include any Worker's Compensation injuries that are expected to last in excess of three (3) days.

If an employee is currently on FMLA with another employer, s/he must inform the Benefits department. The employee will not be permitted to start or resume work at FLVS while on an active FMLA, and/or without a medical release to return to work.

Twelve (12) Month Period

Twelve (12) month period is defined as a rolling twelve (12) month period measured backward from the date the employee uses FMLA leave (i.e., the leave year is specific to each individual employee).

Serious Health Condition

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. As utilized in this policy, the term incapacity means an inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom. The term treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. (Treatment does not include routine physical examinations, eye examinations, or dental examinations.)

- A. Inpatient care means an overnight stay in a hospital, hospice, or residential medical-care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.
- B. Continuing treatment by a healthcare provider, includes any one or more of the following: 1.) incapacity and treatment; 2.) any incapacity experienced by an expectant mother related to pregnancy, or for prenatal care; 3.) any incapacity or treatment for such incapacity due to a chronic serious health condition; 4.) a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal stages of a disease); or 5.) any period of absence to receive multiple treatments

(including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider for a.) restorative surgery after an accident, or b.) other injury or a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

1. Incapacity and treatment involves a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves a.) treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider, or b.) treatment by a health care provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
 - a. Treatment by a health care provider as referenced above involves an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. The health care provider is responsible for determining whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period.
 - b. Regimen of continuing treatment includes a course of prescription medication (e.g. antibiotics), or therapy requiring special equipment to resolve or alleviate the health condition (e.g. oxygen).
 - c. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
 2. An expectant mother is entitled to FMLA leave for incapacity due to pregnancy even if she does not receive treatment from a health care provider during the absence, and even if the absence does not last for more than three (3) consecutive, full calendar days.
 3. A chronic serious health condition is one that: a.) requires periodic visits (i.e., at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; b.) continues over an extended period of time (including recurring episodes of a single underlying condition); and c.) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). A visit to a health care provider is not necessary for each absence, and each absence need not last more than three (3) consecutive, full calendar days.
 4. With regard to permanent or long-term conditions, the employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
- C. Conditions for which cosmetic treatment are administered (e.g., most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

Intermittent and Reduced Schedule Leave

The President and Chief Executive Officer or designee (CEO), may allow an employee to take FMLA leave intermittently (i.e., leave in separate blocks of time for a single qualifying reason) or on a reduced leave schedule (i.e., reducing the employee's usual weekly or daily work schedule) for Qualifying Reasons (A) or (B). An employee is entitled to take FMLA leave on an intermittent or reduced schedule leave when medically necessary as indicated in Qualifying Reasons (C) and (D). An employee may also take FMLA leave on an intermittent or reduced-leave schedule for Qualifying Exigency Leave (i.e., Qualifying Reason (E)). Finally, Military Caregiver Leave may be taken on an intermittent or reduced schedule leave when medically necessary. Regardless, the taking of FMLA leave intermittently or on a reduced schedule leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken. If the intermittent or reduced schedule leave is foreseeable based on planned medical treatment for the employee, a family member, or a covered service member, the CEO may require the employee to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than the employee's regular position. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. The CEO may also transfer the employee to a part-time job with the same hourly rate of pay and benefits, provided the employee is not required to take more leave than is medically necessary. Administrative employees (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced schedule leave because of Qualifying Reasons (C) or (D) or pursuant to Military Caregiver Leave and the leave would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the CEO for which the administrative employee is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the employee's regular position.

When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt FLVS's operations, subject to the approval of the health care provider.

If the CEO agrees to permit FMLA leave intermittently or on a reduced schedule leave for Qualifying Reasons (A) or (B), FLVS may also require the employee to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position.

Employee Notice Requirements (Forms available at the U.S. Department of Labor Website: www.dol.gov)

Employees seeking to use FMLA leave (including Military Caregiver Leave) are required to provide thirty (30) day's advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the employee must provide notice as soon as practicable - generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with FLVS's usual and customary notice and procedural requirements for requesting leave. Failure to provide timely notice may result in the leave being delayed or denied, and/or possible disciplinary action.

Employees must provide sufficient information for the CEO to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the

job, that the employee or his/her qualifying family member is under the continuing care of a health care provider, that the requested leave is for a particular qualifying exigency related to a qualifying family member's covered active duty or call to covered active duty status, or that the leave due to a qualifying family member who is a covered service member with a serious injury or illness. The information may also include the anticipated timing and duration of the leave.

When an employee seeks leave for a FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which FLVS has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Substitution of Paid Leave

FLVS shall require the employee to substitute (i.e., run concurrently) any of his/her earned or accrued paid leave (e.g., sick leave or annual leave) for unpaid FMLA leave.

If the employee has not earned or accrued adequate paid leave to encompass the entire twelve (12) work week period of FMLA leave or twenty-six (26) work week period of Military Caregiver Leave, the additional weeks of leave to obtain the twelve (12) work weeks of FMLA leave or twenty-six (26) work weeks of Military Caregiver Leave the employee is entitled to shall be unpaid.

FLVS Notice Requirements (Forms available at the U.S. Department of Labor Website: www.dol.gov)

The CEO is directed to post the Department of Labor approved Notice explaining employees' rights and responsibilities under the FMLA. The notice must be posted prominently where it can be readily seen by employees and applicants and shall either be distributed to each new employee upon hiring or be included in employee handbooks or other written guidance concerning benefits or leave rights. Electronic posting is sufficient to meet these requirements.

When an employee requests FMLA leave or FLVS acquires knowledge that leave may be for a FMLA purpose, the CEO shall notify the employee of his/her eligibility to take leave, and inform the employee of his/her rights and responsibilities under the FMLA (including the consequences of failing to meet those obligations). Along with the Notice of Rights and Responsibilities, the CEO will attach any medical certification that may be required, and a copy of the employee's essential job functions. If the CEO determines the employee is not eligible for FMLA leave, the CEO must state at least one (1) reason why the employee is not eligible. Such notice may be given orally or in writing and should be given within five (5) business days of the request for FMLA leave, absent extenuating circumstances. When oral notice is given, it must be followed by written notice within five (5) business days. Employee eligibility is determined (and notice provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable twelve (12) month period. All FMLA absences for the same qualifying reason are considered a single leave and employee eligibility as to that reason for leave does not change during the applicable twelve (12) month period. If at the time an employee provides notice of a subsequent need for FMLA leave during the applicable twelve (12) month period due to a different FMLA-qualifying reason and the employee's eligibility status has not changed, no additional eligibility notice is required. If, however, the employee's eligibility status has changed, the CEO must notify the employee of the change in eligibility status within five (5) business days, absent extenuating circumstances.

If the specific information provided by the Notice of Rights and Responsibilities changes, the CEO shall, within five (5) business days of receipt of the employee's first notice of need for leave subsequent to any changes, provide written notice referencing the prior notice and setting forth any of the information in the Notice of Rights and Responsibilities that has changed.

When the CEO has sufficient information to determine that leave is being taken for a FMLA-qualifying reason (e.g. after receiving certification), the CEO shall notify the employee whether the leave will be designated and counted as FMLA leave. Leave that qualifies as both Military Caregiver Leave and leave to care for a qualifying family member with a serious health condition (i.e., Qualifying Reason (C)) must be

considered as Military Caregiver Leave in the first instance. This designation must be in writing and must be given within five (5) business days of the determination, absent extenuating circumstances. Additionally, when appropriate, the CEO shall notify the employee of the number of hours, days and weeks that will be counted against the employee's FMLA entitlement, and whether the employee will be required to provide a fitness-for-duty certification to return to work.

Only one Designation Notice is required for each FMLA-qualifying reason per applicable twelve (12) month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or as intermittent or on a reduced schedule leave. If the CEO determines the leave will not be designated as FMLA-qualifying (e.g. if the leave is not for a reason covered by the FMLA or the employee's FMLA leave entitlement has been exhausted), the CEO shall notify the employee of that determination. If the employee is required to substitute paid leave for unpaid FMLA leave, or if paid leave taken under an existing leave plan is being counted as FMLA leave, the Designation Notice shall include this information. Additionally, the Designation Notice shall notify the employee if s/he is required to present a fitness-for-duty certification to be restored to employment. Further, if the fitness-for-duty certification is required to address the employee's ability to perform the essential functions of his/her job, that will be indicated on the Designation Notice, and a list of the essential functions of the employee's position will be included.

If the information provided to the employee in the Designation Notice changes, the CEO shall provide, within five (5) business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

In the case of intermittent or reduced-leave schedule leave, only one such notice is required unless the circumstances regarding the leave have changed.

Limits on FMLA When Both Spouses are Employed by FLVS

When eligible spouses are both employed by FLVS, they are limited to a combined total of twelve (12) workweeks of FMLA leave during any twelve (12) month period if the leave is taken for Qualifying Reasons (A) or (B), or to care for the employee's parent who has a serious health condition.

Where the spouses both use a portion of the total twelve (12) week FMLA leave entitlement for Qualifying Reasons (A) or (B), or to care for a parent, the spouses are each entitled to the difference between the amount s/he has taken individually and the twelve (12) weeks of FMLA leave for other purposes.

When eligible spouses are both employed by FLVS, they are limited to a combined total of twenty-six (26) workweeks of Military Caregiver Leave during the single twelve (12) month period if the leave is taken for Qualifying Reasons (A) or (B), or to care for the employee's parent who has a serious health condition, or to care for a covered service member with a serious injury or illness.

Certification

When FMLA leave is taken for either Qualifying Reasons (C) or (D), the employee must provide medical certification from the health care provider of the eligible employee or his/her immediate family member. The employee may either:

- A. submit the completed medical certification to the CEO; or
- B. direct the health care provider to transfer the completed medical certification directly to the CEO, which will generally require the employee to furnish the health care provider with a HIPAA-compliant authorization.

If the employee fails to provide appropriate medical certification, any leave taken by the employee shall not constitute FMLA leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the employee must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the CEO within fifteen (15) calendar days after the employee requests FMLA leave unless it is not practicable under the circumstances to do so despite the employee's diligent and good faith efforts. Failure to adhere to the specified time requirements may result in delay in approval or forfeiture of the benefit.

FLVS reserves the right to require second or third opinions (at FLVS's expense), and periodic recertification of a serious health condition. If a third opinion is sought, that opinion shall be binding and final. The employee may either:

- A. submit the opinion of the second health care provider, and the opinion of the third health care provider if applicable, to the CEO; or
- B. direct the second or third health care provider to transfer his/her opinion directly to the CEO, which will generally require the employee to furnish the health care provider with a HIPAA-compliant authorization.

In the event that the employee fails to provide the medical opinion of the second or third health care provider, if applicable, any leave taken by the employee shall not constitute FMLA leave.

Recertification

Recertification may be required no more often than every thirty (30) days in connection with an absence by the employee unless the condition will last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, FLVS will not request recertification until the specified period has passed, except that in all cases the employee must submit recertification every six (6) months in connection with an absence by the employee. Additionally, the CEO may require an employee to provide recertification in less than thirty (30) days if the employee requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if FLVS receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification. Finally, employees must provide a new medical certification each leave year for medical conditions that last longer than one (1) year.

Employees requesting Qualifying Exigency Leave are required to submit to the CEO a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.

Employees requesting Military Caregiver Leave are required to submit to the CEO certification completed by an authorized health care provider or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

FLVS authorizes the FLVS Benefits department – but not the employee's direct supervisor – to authenticate or clarify a medical certification of a serious health condition, or an ITO or ITA (i.e. medical certification provided for Qualifying Reasons (C) or (D) or Military Caregiver Leave). Additionally, the CEO is authorized to contact the individual or entity named in the Qualified Exigency Leave certification for purposes of verifying the existence and nature of the meeting.

An employee who takes leave for Qualifying Reason (D), prior to returning to work, must provide the FLVS Benefits department with a fitness-for-duty certification that specifically addresses the employee's ability to perform the essential functions of his/her job. The fitness-for-duty certification shall only apply to the particular health condition that caused the employee's need for FMLA leave. If reasonable safety concerns exist, the FLVS Benefits department may, under certain circumstances, require an employee to submit a fitness-for-duty certification before s/he returns to work from intermittent FMLA leave. The cost of the certification shall be borne by the employee.

Job Restoration & Maintenance of Health Benefits

Upon return from FMLA leave, FLVS shall restore the employee to his/her former position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. Employees designated as a key employee may have different job restoration rights. During FMLA leave, FLVS shall maintain the employee's current coverage under FLVS's group health insurance program on the same conditions as coverage would have been provided if the employee had been continuously working during the leave period. If the employee was paying all or part of the premium payments prior to going on FMLA leave, the employee must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term may be reviewed individually by the CEO to minimize disruption to the students' program.

Except as may be required by applicable state law, the employee shall not accrue any sick leave, annual leave, or other benefits during a period of unpaid FMLA leave.

The use of approved FMLA leave shall not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave, nor shall it be counted against the employee under a no fault attendance policy.

An employee shall have no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

If the employee fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitle the employee to leave pursuant to Qualifying Reasons (C) or (D) or Military Caregiver Leave, or for circumstances beyond the control of the employee, the employee shall reimburse FLVS for the health insurance premiums paid by FLVS during the unpaid FMLA leave period. Additionally, the date of separation will be the last day of approved FMLA Leave and FLVS Benefits will terminate effective the last day of the month of the employee's last day of approved leave.

Generally, an employee may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave.

An employee who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The CEO shall prepare any procedures that are appropriate for this policy and ensure that the policy is posted properly. Copies of this policy shall be available to employees upon request.

Savings Clause

If there is a conflict between this policy and a State law, then the applicable State law will prevail.

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Legal	F.S. 110.221
	F.S. 1002.37
	F.S. 1012.61
	29 U.S.C. 2601 et seq. (as amended)
	29 C.F.R. Part 825
	45 C.F.R. Part 160
	45 C.F.R. Part 164
	National Defense Authorization Act of 2010

1430.02

Domestic Violence
Leave



Book	Clean
Section	1000 Administration
Title	DOMESTIC VIOLENCE LEAVE
Code	po1430.02
Status	From Neola

1430.02 - **DOMESTIC VIOLENCE LEAVE**

FLVS shall grant leave for an employee if the employee, or a family or household member, is the victim of domestic or sexual violence.

Definitions:

- A. Domestic violence has the same meaning as in F.S. 741.28.
- B. Sexual violence has the same meaning as in F.S. 741.313.
- C. Family or household member has the same meaning as in F.S. 741.28.
- D. Victim means an individual who has been subjected to domestic or sexual violence.

Such leave may be for up to three (3) days in any twelve (12) month period and shall be used for the following purposes:

- A. to seek protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- B. to obtain medical care and/or mental health counseling for the employee or a family or household member to address physical or psychological injuries resulting from domestic or sexual violence;
- C. to obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic or sexual violence;
- D. to secure their home from the perpetrator of domestic or sexual violence or to seek new housing to escape the perpetrator;
- E. to seek legal assistance in addressing issues arising from the act of domestic or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic or sexual violence.

The leave shall be granted with pay and is subject to the following conditions:

- A. Except in cases of imminent danger to the health or safety of the employee or to the health and safety of a family or household member, the employee seeking the leave must provide appropriate advance notice along with sufficient documentation of the act of domestic or sexual violence as required the administrative procedures implementing this policy.
- B. The employee must have been employed by FLVS for at least three (3) months prior to the requested leave within a twelve (12) month period.
- C. The employee shall be required to have exhausted all annual leave and/or sick leave prior to utilizing this leave.
- D. Pursuant to Florida statutes, FLVS shall keep information concerning leave for domestic or sexual violence confidential and exempt from disclosure.
- E. FLVS may not discharge, demote, suspend, retaliate, or in any other manner discriminate against an employee for exercising his/her rights under the provisions of this policy. However, this does not limit FLVS's right to discipline or terminate any employee for any reason, including, but not limited to, reductions in the work force or termination for cause.

Savings Clause

If there is a conflict between this policy and a State law, then the applicable State law will prevail.

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Legal

F.S. 741.28
F.S. 741.313
F.S. 1002.37

1430.03

Sick Leave



Book	Clean
Section	1000 Administration
Title	SICK LEAVE
Code	po1430.03
Status	From Neola

1430.03 - **SICK LEAVE**

Full-time employees are eligible to accrue Sick Leave as set forth in this policy. Sick Leave may not be used before it is earned and credited.

A. Accrual

1. Eligible employees shall earn one (1) day of paid Sick Leave per month which shall be credited to the employee on the first day of each month while the employee is in an active paid status.'
2. Sick Leave shall be cumulative from year to year.

B. Use

1. An employee taking Sick Leave shall notify the appropriate supervisor and record the Sick Leave in the electronic time and attendance system (Workday) before beginning the leave, if possible. In an emergency, the entry into Workday may be recorded immediately following return to duty. FLVS shall develop procedures for the employee's submission of medical verification or other documents to the FLVS Benefits Department for Sick Leave extending beyond three (3) consecutive workdays, in order for FLVS to maintain proper documentation and review for compliance with FMLA.
2. Sick Leave shall be in eight (8) hour increments for exempt employees and one- tenth of hour increments for non-exempt employees, and may be taken for the following reasons:
 - a. when the employee is attending medical appointment(s) or is unable to perform his/her duty on account of personal sickness, accident, disability, or extended personal illness, and consequently has to be absent from his/her work; and
 - b. for the illness or death of the employee's relative set forth in Policy 1430.10 (Bereavement Leave).
3. FLVS permits up to six (6) days of accrued Sick Leave for use for personal reasons per fiscal year ("Sick Personal Use"). Sick Personal Use is not accrued and is not cumulative from year to year. Employees must have accrued Sick Leave in order to utilize their Sick Leave for Sick Personal Use reasons. Exempt employees may use Sick Personal Use in

full-day or eight (8) hour increments, and non-Exempt employees may use Sick Personal Use in one-tenth of hour increments. Except in case of emergency or in extenuating circumstances, Sick Personal Use is to be requested at least five (5) days in advance.

C. Transfer

1. From Other Agencies. FLVS eligible employees hired after September 7, 2001 may transfer to FLVS the employee's unused accumulated Sick Leave accrued from: (a) other Florida public schools funded through the Florida Education Finance Program, or (b) another agency that participates in the Florida Retirement System (FRS). Transferred days may only be credited in a number equal to the number of days earned in FLVS. To be eligible for the transferred Sick Leave, the employee must provide documentation of the outside accumulated Sick Leave to FLVS Payroll Department within one (1) year of the employee's hire date with FLVS.
2. To Family Members. An employee may authorize transfer of accrued Sick Leave to his/her spouse, child, parent, or sibling, who is also employed by FLVS, provided that the transfer relates to one of the reasons set forth in paragraph B.2. above. FLVS may require documentation of the recipient's relationship to the authorizing employee. The authorizing employee may not provide the eligible recipient Sick Leave until all of the recipient's Sick Leave has been depleted. Donated Sick Leave under this paragraph shall have no terminal value upon the recipient employee's separation from employment.
3. To Other FLVS Employees. An employee may donate (i.e., authorize transfer of) his/her accrued Sick Leave to another FLVS employee, provided that the transfer relates to one of the reasons set forth in paragraph B.2. above. Sick Leave donated pursuant to this policy shall be in full day (eight (8) hours) increments, and retroactive donations are not permitted. FLVS shall develop procedures for document submission and deadlines for donated Sick Leave. Conditions for these transfers include:
 - a. The authorizing employee must retain at least ten (10) days of Sick Leave, as of the time of donation under this policy, and the authorizing employee must be a full-time employee at the time the donated leave is used by the recipient. The authorizing employee may not revoke a Sick Leave donation.
 - b. The recipient must provide documentation from the treating physician of the illness, accident, or injury for which leave is needed, and the recipient must be on approved leave (whether FMLA or otherwise). In order to receive transfers under this policy, the recipient must anticipate the need for at least three (3) days of Sick Leave and the recipient is allowed a maximum of twenty (20) days of donated Sick Leave per fiscal year. Recipient shall not use FLVS communication channels (team emails, posts, etc.) to solicit donations.
 - c. Any transferred Sick Leave that is not used as anticipated shall be returned to the authorizing employee, upon the recipient's return to work. In the case of multiple donors, the transferred Sick Leave will be used on a first in first out basis until the transferred Sick Leave has either been expended by the recipient or returned to the authorizing employee.
 - d. The person receiving the transfer may not use the donated Sick Leave until s/he has exhausted all of his/her own accrued Sick Leave and Annual Leave.
 - e. An employee may not donate to or receive donations from other employee(s) who evaluate or supervise or who are evaluated or supervised by each other.
 - f. Donated Sick Leave shall have no value for terminal pay for the recipient.

D. Terminal Pay for Sick Leave

An employee may be paid for unused Sick Leave only upon separation being coded as normal retirement from FLVS (including those entering DROP – Deferred Retirement Option on or after July 1, 2018), or death, up to a maximum of 480 hours.

For purposes of this policy, the term “retirement” is defined as being eligible, applying, and receiving a benefit from FRS. Normal retirement is six (6) years of service and sixty-two (62) years of age, or thirty (30) years of service, regardless of age for FRS members hired prior to July 1, 2011. Normal retirement is eight (8) years of service and sixty-five (65) years of age, or thirty-three (33) years of service, regardless of age for FRS members hired on or after July 1, 2011.

Full-time employees hired prior to September 6, 2001, will receive terminal pay benefits upon retirement that provide a benefit pay-out of all accrued Sick Leave days.

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F.S. 1002.37

F.S. 1012.62

F.S. 1012.66

1430.06

Annual Leave



Book	Clean
Section	1000 Administration
Title	ANNUAL LEAVE
Code	po1430.06
Status	From Neola

1430.06 - **ANNUAL LEAVE**

To maintain quality work performance, FLVS recognizes that adequate time shall be provided to eligible employees for time away from the work environment for rest and relaxation and to attend to personal business or circumstances. For that reason, eligible employees are encouraged to observe their full allotment of paid time off each year. The ultimate decision regarding for the dates of paid time off shall be made at the discretion the employee's supervisor. When the word "day" is used in the policy, it shall mean a working day; it being understood that holidays occurring during an eligible employee's Annual Leave are not considered Annual Leave days.

A. Accrual

A twelve (12) month, full-time contracted employee will be eligible for paid Annual Leave based on length of creditable service in the Florida Retirement System (FRS). Employees accrue at one of the accrual rates as long as they remain on active/paid status during that bi-weekly pay period. Full-time, twelve (12) month contracted employees shall earn Annual Leave for FRS creditable service at the rate below:

1. four (4) hours and twenty (20) minutes bi-weekly for up to five (5) years of FRS service
2. five (5) hours and thirty (30) minutes bi-weekly for five (5) to ten (10) years of FRS service
3. six (6) hours and thirty (30) minutes bi-weekly for more than ten (10) years of FRS service

Full-time twelve (12) month employees must be in active/paid status on the date of Annual Leave accrual. Annual Leave accrual is awarded on the last calendar day of the bi-weekly pay period.

Eligible Florida employees may only carry over a maximum of 480 hours of Annual Leave from calendar year to calendar year, and any Annual Leave accrual balance in excess of 480 hours at calendar year end are forfeited. Eligible non-Florida (out of state) employees Annual Leave accrual will cap at 240 hours accrual balance and no further accrual will occur until the balance falls below 240 hours.

Full-time, ten (10) month contracted employees, and part-time employees, are not eligible for Annual Leave accrual.

B. Transfer

FLVS does not accept the transfer of accrued annual leave from another agency.

If a Florida employee transfers out of state, the maximum amount that may be transferred out of state is 240 hours. The Annual Leave accrual balance above 240 hours will be forfeited on the last day of employment as a Florida employee.

C. Use

Annual Leave can be taken only with the prior approval of the supervising administrator. Use of Annual Leave shall not be approved before the time it is earned. Annual Leave shall be used in increments of eight (8) hours for exempt employees and tenth of hour for non-exempt employees.

Annual Leave shall be scheduled in the workplace to permit minimum disruption of the operation of FLVS's operations. In addition, any Annual Leave requests of more than ten (10) consecutive work days, and any Annual Leave request of ten (10) work days immediately before/after an FLVS paid holiday, must be approved by the CEO.

D. Terminal Pay

When an eligible employee is released or resigns or transfers to an ineligible position for Annual Leave, then s/he will be paid for Annual Leave accumulated through the end of the bi-weekly accrual period according to the following terminal hours limits paid at base pay rates:

1. at separation other than normal retirement including Deferred Retirement Option (DROP) entry prior to July 1, 2018: not to exceed 240 hours
2. normal retirement separation beginning July 1, 2018 including DROP entry: not to exceed 480 hours for a Florida eligible employee and not to exceed 240 hours for a non-Florida (out of state) eligible employee
3. transfer to ineligible position: not to exceed 240 hours

For purposes of this policy, the term "retirement" is defined as being eligible, applying, and receiving a benefit from FRS. Normal retirement is six years of service and 62 years of age, or 30 years of service, regardless of age for FRS members hired prior to July 1, 2011. Normal retirement is eight years of service and 65 years of age, or 33 years of service, regardless of age for FRS members hired on or after July 1, 2011.

E. Encashment

To promote employee wellness, FLVS provides full-time twelve (12) month employees the limited opportunity to use a portion of their accrued Annual Leave each fiscal year for the employee's purchase of the following wellness related expenses: gym memberships, home exercise equipment, hiring a certified personal trainer for workouts, hiring a registered dietitian for nutritional counseling, participation in a weight loss program, tobacco cessation programs, and ergonomic office equipment. The CEO shall develop procedures for this encashment program, which will include specified authorized providers (who shall not be a relative of the employee) and authorized expenses, and procedures and deadlines for requesting encashment. The encashment benefit is personal to the employee and any expenses for the employee's relatives are not eligible for encashment. Encashment requests will be rounded up and paid to the nearest whole hour, and encashment requests are processed on a first come first serve basis pursuant to the availability of budgeted funds. Employees who do not accrue Annual Leave are ineligible to utilize the Annual Leave encashment program.

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F.S. 1002.37
F.S. 1011.60(3)
F.S. 1012.65

1430.11

Other Leaves of
Absence



Book	Clean
Section	1000 Administration
Title	OTHER LEAVES OF ABSENCE
Code	po1430.11
Status	From Neola

1430.11 – **OTHER LEAVES OF ABSENCE**

A Florida Virtual School (“FLVS”) full-time employee who is not eligible for leave otherwise provided by applicable law or FLVS Board of Trustees (“Board”) Policy may request Other Leaves of Absence.

Any such request shall be timely submitted in writing to an authorized representative of the FLVS Benefits Department. The decision to grant or deny Other Leaves of Absence shall be committed to the sole discretion of the FLVS President and Chief Executive Officer (“CEO”), but the exercise of such discretion shall be based upon articulated/express business and operational needs of FLVS.

No FLVS employee may be granted Other Leaves of Absence which exceed thirty (30) consecutive calendar days (irrespective of intermittent FLVS non-working days and holidays). Further, no FLVS employee may be granted unpaid Other Leaves of Absence unless and until the employee has used up/exhausted all other forms of earned or accrued paid leave (e.g., sick leave or annual leave).

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Legal	F.S. 1002.37 F.S. 1012.66
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5350

Student Suicide
Prevention, Awareness,
and Screening



Book	Clean
Section	5000 Students
Title	STUDENT SUICIDE PREVENTION, AWARENESS, AND SCREENING
Code	po5350
Status	From Neola

5350 - STUDENT SUICIDE PREVENTION, AWARENESS, AND SCREENING

FLVS recognizes that suicide is one of the leading causes of death for Florida's youth. To address the prevalence of student suicide, FLVS believes there must be a partnership among families, the community, and schools. It is critical for families and community members to communicate with and provide information to FLVS staff to identify students at risk of suicide.

FLVS will provide access to suicide prevention educational resources to all instructional and administrative staff as part of FLVS's professional development program. The suicide educational resources will include material approved by the Statewide Office for Suicide Prevention, the Florida Suicide Prevention Coalition, and the Coordinated School Health Resource Center. FLVS's Student Services personnel will be responsible for providing suicide prevention, awareness, and screening training and resources to students and staff.

All FLVS school personnel should be alert to signs of suicide ideation and to students who threaten or attempt suicide. Suicide ideation is the process of fantasizing, planning, practicing, and motivating oneself to commit suicide. Any such signs or the report of such signs from another student or staff member should be taken with the utmost seriousness. Families, community members, and students are encouraged to report any such signs to the principal/instructional leader.

Professional development training in youth suicide prevention shall be provided to Student Services personnel, administration, and instructional staff. Further, additional professional development training regarding risk assessment and intervention shall be provided to mental health counselors, school counselors, psychologists, and school social workers.

Youth Suicide Awareness, Prevention, and Screening

A. Training

Two hours of continuing education training will be provided in the area of youth suicide awareness, prevention, and screening, utilizing training materials from the list approved by the Florida Department of Education (FLDOE). Instruction about how to identify appropriate mental health services and how to refer youth and their families to those services shall be included in the program. The training shall be included in the existing continuing education or in-service training requirements for instructional personnel.

B. Suicide Prevention Certified Schools

Any FLVS school that meets the following requirements shall be considered a Suicide Prevention Certified School under Florida law:

1. All instructional personnel at the school have participated in the two (2) hours of youth suicide awareness, prevention, and screening training; and
2. The school has at least two (2) school-based staff members certified or otherwise deemed competent in the use of a suicide screening instrument approved by the FLDOE and has a policy to use such suicide risk screening instrument to evaluate a student's risk before requesting the initiation of, or initiating, an involuntary examination due to concerns about the student's suicide risk.

The President and Chief Executive Officer (CEO) will notify the FLDOE of all schools qualifying for this designation. Each school shall also post on its own website whether it is a Suicide Prevention Certified School, and FLVS shall post on its website a list of the Suicide Prevention Certified Schools.

Pursuant to State law, participating in the training does not create any new duty of care or the basis of liability.

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F.S. 14.2019
F.S. 14.20195
F.S. 1002.37
F.S. 1012.583

5511

Dress and Grooming



FLORIDA VIRTUAL
SCHOOL

Book	Clean
Section	5000 Students
Title	DRESS AND GROOMING
Code	po5511
Status	From Neola

5511 - **DRESS AND GROOMING**

The Board of Trustees authorizes the President and Chief Executive Officer (CEO) to establish a dress code, which may include a school uniform in order to promote a safe and healthy school setting and enhance the educational environment. The dress code shall be incorporated into the student Code of Conduct.

Accordingly, the CEO shall establish such procedures as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes. Such procedures shall prohibit student dress or grooming practices which:

- A. present a hazard to the health or safety of the student or to others;
- B. materially interfere with school work, create disorder, or disrupt the educational program;
- C. prevent the student from achieving his/her own educational objectives because of blocked vision or restricted movement.

Such procedures shall establish the dress requirements for members of any athletic teams, bands, and other school groups when representing FLVS at a public event.

The CEO shall develop administrative procedures to implement this policy that designates the principal/instructional leader as the arbiter of student dress and grooming in his/her school.

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Legal	F.S. 1002.37
	F.S. 1006.07
	F.S. 1011.78

5513
Care of
School Property



Book	Clean
Section	5000 Students
Title	CARE OF SCHOOL PROPERTY
Code	po5513
Status	From Neola

5513 - CARE OF SCHOOL PROPERTY

FLVS believes that the schools should help students learn to respect property.

FLVS charges each student with responsibility for the proper care of FLVS property and supplies and equipment entrusted to the student's use.

Students who cause damage to FLVS property shall be subject to disciplinary measures, and their parents shall be financially liable for such damage to the extent of the law, except that students eighteen (18) years of age or older shall also be liable for the damage they cause.

The FLVS Board of Trustees authorizes the imposition of fines for the loss, damage, or destruction of FLVS equipment, apparatus, musical instruments, library material, textbooks, and for damage to FLVS facilities.

FLVS may report to the appropriate juvenile authorities any student whose damage of FLVS property has been serious or chronic in nature.

A reward may be offered by FLVS for the apprehension of any person who vandalizes FLVS property.

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Legal	F.S. 1002.37
	F.S. 1006.42

5516

Student Hazing



Book	Clean
Section	5000 Students
Title	STUDENT HAZING
Code	po5516
Status	From Neola

5516 - **STUDENT HAZING**

Hazing activities of any type are inconsistent with and disruptive to the educational process and prohibited at any time in school facilities, on school property, and/or off school property if the misconduct is connected to activities or incidents that have occurred on school property. No administrator, faculty member, or other FLVS employee shall encourage, permit, authorize, condone, or tolerate any hazing activities. No student shall plan, encourage, or engage in any hazing.

Hazing is defined as any action or situation that endangers the mental or physical health or safety of a student at a school for purposes including, but not limited to:

- A. initiation into any organization operating under the sanction of FLVS;
- B. admission into any organization operating under the sanction of FLVS;
- C. affiliation with any organization operating under the sanction of FLVS; or
- D. the perpetuation or furtherance of a tradition or ritual of any organization operating under the sanction of FLVS.

Hazing includes, but is not limited to, pressuring, coercing, or forcing a student into violating State or Federal law; any brutality of a physical nature, such as whipping, beating, branding or exposure to the elements, or forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student; or any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student.

Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Administrators, faculty members, and other employees of FLVS shall be alert particularly to possible situations, circumstances, or events that might include hazing. Administrators, staff members, and volunteers shall not intentionally remain ignorant of hazing or potential hazing activities. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer of the prohibitions contained in this policy and shall be ordered to end all hazing activities or planned activities immediately. All hazing incidents shall be reported immediately in accordance with procedures set forth below. Students,

administrators, faculty members, and other employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil and criminal penalties in accordance with law.

Procedure for Reporting

FLVS designates the principal/instructional leader as the person responsible for receiving all complaints of hazing. Any student or student's parent/guardian who believes s/he has been or is the victim of harassment should immediately report the situation to the school principal/instructional leader. Complaints against the principal/instructional leader should be filed with the President and Chief Executive Officer (CEO). Complaints against the CEO should be filed with the Board of Trustees Chair.

All school employees are required to report alleged violations of this policy and alleged acts of hazing to the principal/instructional leader or as described above. School employees must report the alleged violations and acts to the principal/instructional leader within twenty-four (24) hours.

All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy to the principal/instructional leader or as described above.

Written and oral reports shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

Discipline for Hazing

Students found to have engaged in acts of hazing as defined herein shall be subject to disciplinary action in accordance with the Student Code of Conduct.

Reports to Law Enforcement (Grades 9 through 12)

An alleged act of hazing involving any student in grades 9-12 shall be reported to the local law enforcement agency if the alleged act meets the following criteria:

- A. a person who commits an act of hazing upon another person who is a member of or an applicant to any type of student organization, if the person knew or should have known the act would result in serious bodily injury or death of such other person and the act results in the serious bodily injury or death of such other person; or
- B. a person who commits an act of hazing upon another person who is a member of or applicant to any type of student organization, if the person knew or should have known the act would create a potential risk of physical injury or death to such other person and the act creates a potential risk of physical injury or death of such other person.

Referral of Victims and Perpetrators of Hazing to a Certified School Counselor

Individual(s) who are alleged victims or perpetrators of hazing shall be referred to a FLVS Student Services team member, whose responsibility it will be to address any counseling needs of the victim or perpetrator deemed necessary by the FLVS Student Services team member, which may include, but is not limited to, counseling and support to address the needs of the victim and perpetrator, interventions to address the behavior of students who perpetrated the hazing, and interventions which include assistance and support for victims of hazing.

Reporting of Hazing Incidents

Hazing incidents shall be reported in each school's safety and discipline report required under F.S. 1006.09. The report shall include the number of hazing incidents reported, the number of incidents referred to a local law enforcement agency, the number of incidents that result in disciplinary action taken by the school, and the number of incidents that do not result in either referral to a local law enforcement agency or disciplinary action taken by the school.

Notice

The CEO shall cause the distribution of this policy to all students and FLVS employees, and shall incorporate it into staff and student handbooks. It shall also be the subject of discussion at employee staff meetings or in-service programs.

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F.S. 1002.37
F.S. 1006.09
F.S. 1006.135

5517.01
Bullying and
Harassment



Book	Clean
Section	5000 Students
Title	BULLYING AND HARASSMENT
Code	po5517.01
Status	From Neola

5517.01 - **BULLYING AND HARASSMENT**

FLVS is committed to providing an educational setting and workplace that is safe, secure, and free from bullying and harassment for all students and employees.

FLVS will not tolerate unlawful bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited:

- A. during any education program or activity conducted by FLVS;
- B. during any FLVS-related or FLVS-sponsored program or activity, or on FLVS-provided transportation (if any);
- C. through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of FLVS; or
- D. through the use of data or computer software that is accessed at a non-FLVS related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by FLVS, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by FLVS or substantially disrupts the education process or orderly operation of FLVS. Notwithstanding the foregoing, this section does not require FLVS to staff or monitor any non-FLVS related activity, function or program.

Pursuant to State law, FLVS students, parents, teachers, administrators, staff, volunteers, community representatives, and local law enforcement agencies shall be involved in the review of this policy.

This review process shall be conducted not less than every three (3) years thereafter.

The President and Chief Executive Officer (CEO) or designee shall develop a comprehensive plan intended to prevent bullying and harassment and to cultivate the school climate so as to appropriately identify, report, investigate, and respond to situations of bullying and harassment as they may occur on FLVS property, at FLVS-sponsored events, and through FLVS computer networks. Implementation of the plan by each principal/instructional leader will be ongoing throughout the school year and will be integrated with the school curriculum, the bullying and prevention program, FLVS disciplinary policies, and violence prevention efforts.

Definitions

Bullying includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one (1) or more students or employees. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing

gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. physical violence;
- G. theft;
- H. sexual, religious, or racial harassment;
- I. public or private humiliation; or
- J. destruction of property; and
- K. social exclusion.

Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one (1) person or the posting of material on an electronic medium that may be accessed by one (1) or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

Cyberstalking means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or FLVS employee that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of FLVS.

Bullying and **harassment** also encompass:

- A. Retaliation against a student or FLVS employee by another student or FLVS employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.

- B. Perpetuation of conduct listed in the definition of bullying and/or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
1. incitement or coercion;
 2. accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the FLVS school system; or
 3. acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

Harassment also means electronically transmitted acts (i.e., internet, e-mail, cellular telephone, personal digital assistants (PDA), or wireless hand-held device) that a student(s) or a group of students exhibits toward another particular student(s) and the behavior both causes mental and physical harm to the other student and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s).

Sexual Cyberharassment

Pursuant to Florida law, sexual cyberharassment means to publish a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person to an Internet website without the depicted person's consent, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Sexual cyberharassment may be a form of sexual harassment.

Within the scope of FLVS means regardless of ownership, any computer, computer system, or computer network that is physically located on FLVS property or at an FLVS-related or FLVS-sponsored program or activity.

Expected Behavior

FLVS expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and FLVS staff, the educational purpose underlying all FLVS activities, and the care of FLVS facilities and equipment.

Such behavior is essential in maintaining an environment that provides each student the opportunity to obtain a high-quality education in a uniform, safe, secure, efficient, and high-quality system of education.

The standards for student behavior shall be set cooperatively through interaction among students, parents/guardians, staff and community member, producing an atmosphere that encourages students to grow in self-discipline. The development of such an atmosphere requires respect for self and others, as well as for FLVS and community property on the part of students, staff, and community members. FLVS administrators, faculty, staff, and volunteers serve as role models for students and are expected to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying.

Students are expected to conform to reasonable standards of socially acceptable behavior; respect the person, property, and rights of others; obey constituted authority; and respond to those who hold that authority.

Consequences

Consequences and appropriate remedial action for students who commit acts of bullying or harassment or found to have wrongfully and intentionally accused another as a means of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct.

Consequences and appropriate remedial action for a school employee found to have committed an act of bullying or harassment or found to have wrongfully and intentionally accused another as a means of bullying or harassment shall include discipline in accordance with the adopted policies of the Board of Trustees (Board). Egregious acts of harassment by certified educators may result in a sanction against an educator's State-issued certificate. (See the *Principles of Professional Conduct of the Education Profession in Florida* - F.A.C. 6A-10.081)

Consequences and appropriate remedial action for a visitor or volunteer found to have committed an act of bullying or harassment or found to have wrongfully and intentionally accused another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

Procedure for Reporting

The principal/instructional leader is designated as the person responsible for receiving all alleged acts of bullying. Any student or student's parent/guardian who believes s/he has been or is the victim of bullying or harassment should immediately report the situation to the principal/instructional leader. Complaints against the principal/instructional leader should be filed with the CEO. Complaints against the CEO should be filed with the Board Chair.

All school employees are required to report alleged violations of this policy and alleged acts of bullying and harassment to the principal/instructional leader or as described above. The alleged violations and acts must be reported by school employees to the principal/instructional leader within twenty-four (24) hours.

All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy to the principal/instructional leader or as described above.

Written and oral reports shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

The principal/instructional leader shall establish and prominently publicize to students, staff, volunteers, and parents the procedure for reporting bullying and how such a report will be acted upon. A victim of bullying and/or harassment, anyone who witnessed the act, and anyone who has credible information that an act of bullying and/or harassment has taken place may file a report.

Procedure for Investigation

The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act. All complaints about bullying and/or harassment that may violate this policy shall be promptly investigated by an individual, designated by the principal/instructional leader, who is trained in investigative procedures. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately and shall be confidential. The investigator may not be the accused perpetrator or victim. At no time shall the accused perpetrator and victim be interviewed together. The investigator shall collect and evaluate the facts including, but not limited to, the following:

- A. a description of the incident, the nature of the behavior, and the context in which the incident occurred;
- B. how often the conduct occurred;
- C. whether there were past incidents or past continuing patterns of behavior;
- D. the relationship between the parties involved;
- E. the characteristics of the parties involved;
- F. the identity of the alleged perpetrator, including whether the individual was in a position of power over the individual allegedly subjected to bullying or harassment;

- G. the number of alleged bullies/harassers;
- H. the age of the alleged bully/harasser;
- I. where the bullying and/or harassment occurred;
- J. whether there have been other incidents in the school involving the same or other students;
- K. whether the conduct adversely affected the student's education or educational environment;
- L. the date, time, and method in which the parent(s) of all parties involved were contacted.

In accordance with State law, FLVS staff may monitor as part of any bullying or harassment investigation any non-school-related activity, function, or program.

If, during an investigation of reported acts of bullying and/or harassment, the principal/instructional leader or his/her designee believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on race, color, national origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively protected classes), the principal/instructional leader or his/her designee will report the act of bullying and/or harassment to one (1) of the Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment.

Upon the completion of the investigation to determine whether or not a particular action or incident constitutes a violation of the policy, the designated individual who has conducted the investigation shall make a determination based on all the facts and surrounding circumstances and shall include:

- A. a recommendation of remedial steps necessary to stop the bullying and/or harassing behavior;
and
- B. a written report to the principal/instructional leader.

A maximum of ten (10) business days should be the limit for the completion of the investigative procedural steps and submission of the incident report. While ten (10) business days is the expectation for completion of the investigative procedural steps, more time may be needed based on the nature of the investigation and the circumstances affecting that investigation. The investigator shall document in his/her report the reasons for needing additional time beyond ten (10) business days. The highest level of confidentiality possible shall be provided regarding the submission of a complaint or a report of bullying and/or harassment and for the investigative procedures that are employed.

The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated pursuant to this policy.

Scope

The investigator will provide a report on the results of the investigation with recommendations for the principal/instructional leader to make a determination if an act of bullying or harassment falls within the scope of FLVS authority. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated. If the action is within the scope of FLVS, then FLVS procedures for investigating bullying and/or harassment shall be followed. If the action is outside the scope of FLVS and believed to be a criminal act, the action shall be referred to the appropriate law enforcement agency. If the action is outside the scope of FLVS and believed not a criminal act, the principal/instructional leader shall inform parents/guardians of all minor parties.

Parent Notification

The principal/instructional leader shall report the occurrence of an incident of bullying as defined by Board policy to the parent/guardian of all students known to be involved in the incident on the same day an investigation of the incident has been initiated. Notification shall be by telephone or by personal conference and in writing by first-class mail and shall be consistent with the student privacy rights under applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). The notice shall advise the individuals involved of their respective due process rights including the right to appeal any resulting determination or action to the State Board of Education.

If the bullying incident results in the perpetrator being charged with a crime, the principal/instructional leader shall inform by first class mail or by telephone the parent/guardian of the identified victim(s) involved in the bullying incident about the Unsafe Schools Choice Option (Title VIII, Part F, Subpart 2, Section 8532 of Every Student Succeeds Act) that states, in pertinent part, as follows:

...a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

Upon the completion of the investigation and if criminal charges are to be pursued against the perpetrator, the appropriate law enforcement agencies shall be notified by telephone and/or in writing.

Counseling Referral

FLVS shall provide a referral procedure for intervening when bullying or harassment is suspected or when a bullying incident is reported. The procedure will include:

- A. a process by which the teacher or parent may request informal consultation with FLVS staff (e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern;
- B. a referral process to provide professional assistance or services that may include a process by which FLVS personnel or parent/guardian may refer a student to the school intervention team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services (parent/guardian involvement is required at this point); or

If a formal discipline report or formal complaint is made, the principal/instructional leader must refer the student(s) to the school intervention team for determination of counseling support and interventions (parent/guardian is required at this point).

- C. a school-based action to address intervention and assistance as determined appropriate by the intervention team that includes:
 1. counseling and support to address the needs of the victim(s) of bullying or harassment;
 2. interventions to address the behavior of students who bully and harass others (e.g., empathy training, anger management, etc.);
 3. interventions which include assistance and support for parents, as may be deemed necessary or appropriate.

Data Report

FLVS will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data as prescribed. If a bullying (including cyberbullying) and/or harassment incident occurs it will be reported in SESIR, coded appropriately using the relevant incident code and the related element code. Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System. In a separate section, FLVS shall include each alleged

incident of bullying or harassment that does not meet the criteria of a prohibited act under this policy with recommendations regarding such incidents.

FLVS will provide bullying incident, discipline, and referral data to the Florida Department of Education (FLDOE) in the format requested, through Surveys 2, 3, and 5 from Education Information and Accountability Services, and at designated dates provided by the Department. Data reporting on bullying, harassment, unsubstantiated bullying, unsubstantiated harassment, sexual harassment, and threat/intimidation incidents as well as any bullying-related incidents that have as a basis sex, race, or disability should include the incident basis. Victims of these offenses should also have the incident basis (sex, race, or disability) noted in their student record.

Training and Instruction

Students, parents, teachers, school administrators, counseling staff, and school volunteers shall be provided training and instruction, at least annually, on FLVS's policy and administrative procedures regarding bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as information about how to effectively identify and respond to bullying in schools and in a virtual environment. Instruction regarding bullying, harassment, and FLVS's violence prevention and school safety efforts shall be integrated into FLVS curriculum at the appropriate grade levels. The training and instruction shall include recognizing behaviors that lead to bullying and harassment and taking appropriate preventative action based on those observations. FLVS provides the following authorized programs.

Programs for staff include:

- A. Supporting All Students: Creating Positive Environments for LGBTQ Students by Ian Siljestrom, The Safe and Healthy Schools Associate Director for Equality Florida
- B. Beacon on Demand Courses (free as part of our paid subscription): #8672 Recognizing Signs and Symptoms of Emotional Distress
- C. Beacon on Demand Courses: #8636 Community Trauma: Strategies for the Classroom
- D. Beacon Staff training (on their website): Creating a Safe and Respectful Environment in Our Nation's Classrooms (for teachers)

Programs for students include:

- A. Leader in Me
- B. Evolution Labs - 5 hour Mental and Emotional Health Education requirement
- C. Sanford Harmony
- D. Guidance: K-5 Anti-bullying webinar series in zoom found here <https://www.flvs.net/student-resources/flex/webinars-elementary>
- E. Computer Science Courses K-5
- F. MJ Peer Counseling
- G. Peer Counseling 2

Decisions to include additional instructional programs or activities, not previously listed within this policy, will be made on a case-by-case basis, and authorized by principals/instructional leaders.

Victim's Parent Reporting

The principal/instructional leader shall report the occurrence of an incident of bullying as defined herein to the parent/guardian of students known to be involved in the incident on the same day an investigation of the incident has been initiated. Notification shall be by telephone and in writing by first-class mail and shall be consistent with the student privacy rights under applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). According to the level of infraction, the victim's parents will be notified by telephone and/or in writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment incident.

Policy Publication

At the beginning of each school year, school staff, parents/guardians/other persons responsible for the welfare of a student will be informed through written communication of FLVS's student safety and violence prevention policy.

FLVS shall provide notice to students and staff of this policy in the Code of Student Conduct, employee handbooks, and via FLVS's official website. All contractors will also be notified of this policy.

Each principal/instructional leader shall implement a process for discussing, at least annually, the Board policy on bullying and harassment with students in a student assembly or other reasonable format. Reminders of the policy and bullying prevention messages will be displayed, as appropriate, through FLVS platforms and at any FLVS facilities.

Immunity

Pursuant to s. 1006.147(5), F.S., a school employee, school volunteer, students, parent/guardian, or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in Board policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments. Such immunity from liability shall not apply to any FLVS employee, volunteer, student, parent/guardian, or other person determined to have made an intentionally false report about harassment, intimidation, and/or bullying.

Privacy/Confidentiality

FLVS will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy and its related administrative procedures shall be maintained as confidential to the extent permitted by law.

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

Retaliation/False Charges

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry under this policy is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions. Suspected retaliation should be reported in the same manner as aggressive behavior and/or bullying.

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Legal
F.S. 110.1221
F.S. 784.048
F.S. 1002.20
F.S. 1002.37
F.S. 1006.13
F.S. 1006.147
Florida Department of Education Revised Model Policy (April 2016)
Every Student Succeeds Act, Title VIII, Part F, Subpart 2, Section 9532

5517.03
Dating Violence
and Abuse



Book	Clean
Section	5000 Students
Title	DATING VIOLENCE AND ABUSE
Code	po5517.03
Status	From Neola

5517.03 - DATING VIOLENCE AND ABUSE

FLVS strictly prohibits any act of dating violence and abuse committed by one student against another on FLVS property, during an FLVS-sponsored activity, or during FLVS-sponsored transportation (if any).

Dating Violence and Abuse Defined

For purposes of this policy, dating violence and abuse shall be defined as emotional, verbal, sexual, or physical abuse of a student who is in a current or was in a past dating relationship by the other person in that dating relationship. Abuse may include insults, coercion, social sabotage, sexual harassment, stalking, threats and/or acts of mental, physical or sexual abuse. It may also be a pattern of demeaning, coercive, abusive actions that amount to emotional or psychological abuse. Dating violence and abuse may also include abuse, harassment, and stalking via electronic devices such as cell phones and computers, as well as harassment through a third party.

Reporting Acts of Dating Violence and Abuse

Any student who feels that they are the victim of an act of dating violence and abuse, or has cause to believe that s/he is in immediate danger of becoming the victim of an act of dating violence and abuse, should report the matter to the principal/instructional leader or to any member of the FLVS staff.

Any FLVS employee who receives a report of an act of dating violence and abuse, who directly observes an act of dating violence and abuse perpetrated by one student against another, or who has reason to believe that a student is a victim of dating violence and abuse shall report such report, observations, or suspicions to the principal/instructional leader.

Any member of the school community, including students, parents, volunteers, and visitors, who observes an act of dating violence and abuse perpetrated by one student against another, or who has reason to believe that a student is a victim of dating violence and abuse is strongly encouraged to promptly report the matter to the principal/instructional leader or other FLVS administrator or official. These reports can be made either in person or anonymously.

Investigating Reports of Dating Violence and Abuse

Upon receiving a report of alleged dating violence and abuse, the principal/instructional leader shall work with the FLVS Safety Specialist to conduct an investigation of the allegation promptly. As part of the investigation, the principal/instructional leader shall contact the parent(s) of the alleged victim and/or the parent(s) of the alleged perpetrator, if they are under the age of eighteen (18), to inform them of the report.

The investigation of the report should include interviews of the alleged victim, the individual accused of perpetrating the dating violence and abusive behavior, and any other person who may have witnessed the

alleged act or who may reasonably be expected to have information relevant to the situation. All interviewed parties and witnesses will be provided an opportunity to present any evidence that they reasonably believe to be relevant to the situation.

FLVS reserves the right to investigate a report of dating violence and abuse regardless of whether the student who is allegedly the victim of the dating violence and abuse wants to pursue the matter.

Consequences

At the conclusion of the investigation, the principal/instructional leader will determine whether or not the allegation of dating violence and abuse was substantiated. If the principal/instructional leader determines that a student has committed an act of dating violence and abuse, that violation of this policy shall result in disciplinary action in accordance with the Student Code of Conduct, which may include suspension, assignment to another school or program, or recommendation for expulsion. All disciplinary action shall be taken in accordance with State law and applicable Board of Trustees (Board) policy. When imposing discipline, the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved, shall be considered.

Suspensions for acts of teen violence and abuse may be appealed in accordance with the procedures set forth in the Student Code of Conduct.

Further, the Department of Children and Families shall be notified if the student who is found to have perpetrated the act of dating violence and abuse is eighteen (18) years of age or older and the student who was the victim of the act of dating violence and abuse is a minor.

In those cases where teen dating violence and abuse is not substantiated, the principal/instructional leader may consider whether the alleged conduct nevertheless warrants disciplinary action in accordance with the Student Code of Conduct or other Board policies.

Support and Reasonable Accommodations

If requested during or after the investigation, the principal/instructional leader shall make reasonable accommodations for the student who is allegedly experiencing dating violence and abuse including, but not limited to the following:

- A. Stay Away Contract, including electronic communication and contact, which is a contract with the alleged perpetrator to stay away from the victim while on FLVS grounds, in FLVS courses, on FLVS-provided transportation (if any), and during FLVS-sponsored programs and events;
- B. Class schedule changes;
- C. Protection that will enable safe egress/regress as well as movement within the FLVS program or on FLVS grounds; and
- D. Referrals for outside support or counseling.

Students should provide the principal/instructional leader with a copy of an order of protection that has been issued by the court. The principal/instructional leader shall then contact the student whose behavior is to be regulated by that order of protection and initiate a Stay Away Contract that is consistent with the terms of that order and provides penalties for known violations of the contract. Further, the principal/instructional leader shall notify law enforcement immediately if s/he knows or has reason to believe that a criminal or civil restraining order has been violated.

Other Violations of the Dating Violence and Abuse Policy

FLVS will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging dating violence and abuse, or who has participated as a witness in an investigation of such an allegation.
- B. Filing a malicious or knowingly false report or complaint of dating violence and abuse.
- C. Disregarding, failing to investigate adequately, or delaying the investigation of allegations of dating violence and abuse, when responsibility for reporting and investigating allegations of dating violence and abuse comprises part of one's supervisory duties.

Privacy/Confidentiality

FLVS will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with FLVS's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and its related administrative procedures shall be maintained as confidential to the extent permitted by law.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information (ESI), and electronic media created and received as part of an investigation, including, but not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports/allegations/complaints/statements;
- C. a narrative of all actions taken by FLVS personnel;
- D. any written documentation of actions taken by FLVS personnel;
- E. written witness statements;
- F. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- G. all documentary evidence;
- H. e-mails, texts, or social media posts pertaining to the investigation;
- I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- K. dated written determinations to the parties;
- L. dated written descriptions of verbal notifications to the parties;
- M. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- N. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

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

The information, documents, ESI, and electronic media created or received as part of an investigation shall be retained for not less than three (3) years, but longer if required by FLVS's records retention schedule.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of dating violence and abuse. The President and Chief Executive Officer (CEO) shall require that FLVS's comprehensive health curriculum in grades 7-12 include a component about dating violence and abuse that is age appropriate and includes the content required by State law. The dating violence and abuse component shall include, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse. The curriculum shall have an emphasis on prevention-based education.

Further, the CEO shall cause the provision of appropriate training to all members of FLVS staff related to dating violence and abuse, and the implementation of this policy.

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Legal F.S. 1002.37
 F.S. 1003.42
 F.S. 1006.148

5520

Disorder and
Demonstration



Book	Clean
Section	5000 Students
Title	DISORDER AND DEMONSTRATION
Code	po5520
Status	From Neola

5520 - DISORDER AND DEMONSTRATION

FLVS recognizes the right of each student to attend school for the purpose of receiving an education. The disruption of the educational program of FLVS by disorder or any other purposeful activity will not be countenanced. For purposes of this policy, disorder shall be any deliberate activity by an individual or a group, whether peaceful or violent, which interferes with the normal operation of FLVS.

The FLVS Board of Trustees, having the responsibility for providing an educational program for the students of FLVS, shall have the authority to preserve order for the proper functioning of that program.

Students shall not be disturbed in the exercise of their constitutionally guaranteed rights to assemble peaceably and to express ideas and opinions, privately or publicly, provided that such exercise does not infringe on the rights of others and does not interfere with the operation of FLVS.

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Legal	F.S. 1002.37 F.S. 1006.145
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5531

Student Assistance
Programs



Book	Clean
Section	5000 Students
Title	STUDENT ASSISTANCE PROGRAMS
Code	po5531
Status	From Neola

5531 - STUDENT ASSISTANCE PROGRAMS

The FLVS Board of Trustees has adopted policies related to student conduct in the school setting and has authorized disciplinary measures for the violation of these policies, in order to continuously promote the safety and well-being of both staff and students and to maintain an environment conducive to learning.

FLVS seeks to maintain a balance between maintaining a proper educational environment and a compassion for students who suffer from or are victims of severe, immoral, or illegal behavior. Social Emotional and Mental Health programs have been established to promote healthy and productive living. Discipline shall be maintained to protect students and staff from actions that disrupt teaching and learning. However, FLVS recognizes that students may experience difficulties that educational programs and sound discipline may not prevent and that other forms of assistance may be available through FLVS.

The President and Chief Executive Officer (CEO) is authorized to establish assistance programs for students which provide for effective intervention in areas such as substance abuse, mental health, crisis situations, and other situations which have an impact on students' emotional, mental, and/or social well-being and affect their ability to benefit from educational experiences. Administrative procedures are to be prepared which will ensure that:

- A. the rights of both parents and students are protected;
- B. a Threat Assessment Team is established, which is chaired by the FLVS School Safety Specialist and includes administrators, instructional staff, school counselors, student services personnel and law enforcement;
- C. staff members are properly trained and skilled for their roles and participate in ways that comply with their certification or licensing and job description as well as with FLVS policies and administrative procedures; and
- D. outside community resources and agencies are properly certified or licensed to provide services and have a history of effective assistance.

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Legal	F.S. 397.951 F.S. 1002.37
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5600

Student Discipline



Book	Clean
Section	5000 Students
Title	STUDENT DISCIPLINE
Code	po5600
Status	From Neola

5600 - **STUDENT DISCIPLINE**

FLVS acknowledges that conduct is closely related to learning, and that an effective instructional program requires an orderly school environment. The effectiveness of the educational program is, in part, reflected in the behavior of students.

The FLVS Board of Trustees believes that the best discipline is self-imposed and that students should learn to assume responsibility for their own behavior and the consequences of their actions.

All school personnel shall be informed and responsible for all FLVS administrative procedures concerning discipline. All school personnel shall become involved in the discipline process. A good faith effort shall be made by FLVS to employ parental assistance or other alternative measures prior to suspension.

Students are under the control and direction of the principal/instructional leader and under the immediate control and direction of the teacher or other member of the instructional staff to whom such responsibility may be assigned by the principal/instructional leader:

- A. when they are attending school; and
- B. when they are engaged in an FLVS-sponsored activity.

FLVS shall also require each student to:

- A. conform to reasonable standards of socially acceptable behavior;
- B. respect the person and property of others;
- C. preserve the degree of order necessary to the educational program in which they are engaged; and
- D. respect the rights of others.

FLVS will not tolerate any form of violence, disruptive, or inappropriate behavior. In addition to disciplinary action specified in the parent/student handbooks, the President and Chief Executive Officer (CEO) shall develop strategies that will help prevent students from demonstrating any of these unacceptable behaviors.

The CEO shall prepare administrative procedures for student conduct which carry out the purposes of this policy that:

- A. are not arbitrary but bear a reasonable relationship to the need to maintain an environment conducive to learning;

- B. do not discriminate among students;
- C. do not demean students; and
- D. do not tend to violate any individual rights constitutionally guaranteed to students.

The CEO shall designate sanctions for the infractions of rules, excluding corporal punishment, which shall:

- A. relate in kind and degree to the infraction;
- B. help the student learn to take responsibility for his/her actions; and
- C. be directed, where possible, to reduce the effects of any harm which may have been caused by the student's misconduct.

The CEO shall cause the publication to all students and their parents the rules of FLVS regarding student conduct and the sanctions which may be imposed for breach of those rules.

The CEO shall inform the FLVS Board of Trustees upon its request of the methods of discipline imposed by FLVS and the incidence of student misconduct in such a degree of specificity as shall be required by the FLVS Board of Trustees.

Principals/instructional leaders shall have the authority to assign discipline to students, subject to FLVS Board policy, the administrative procedures of the CEO, and to the student's due process right to notice, hearing, and appeal.

FLVS personnel having authority over students shall have the authority to take such means as may be necessary to control the disorderly conduct of students in all situations and in all places where such students are within the jurisdiction of FLVS and when such conduct interferes with the educational program or threatens the health and safety of others.

If FLVS provides transportation, then the provisions of this policy shall apply.

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Legal	F.S. 1002.20
	F.S. 1002.37
	F.S. 1006.07
	F.S. 1006.08
	F.S. 1006.09

5605

Suspension/Expulsion
of Disabled Students



Book	Clean
Section	5000 Students
Title	SUSPENSION/EXPULSION OF DISABLED STUDENTS
Code	po5605
Status	From Neola

5605 - SUSPENSION/EXPULSION OF DISABLED STUDENTS

In matters relating to the disciplining of disabled students, FLVS shall abide by Federal and State laws regarding suspension and expulsion.

The President and Chief Executive Officer (CEO) shall develop and update as needed administrative procedures to implement this policy.

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Legal	F.S. 1002.37 F.S. 1006.07 F.S. 1006.09 F.A.C. 6A-6.03311 Section 504, 1973 Rehab. Act 34 C.F.R. 300.520 et seq. U.S. Supreme Court, Honig v Doe, 56 USLW 4091
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5610

Removal, Out-of-School
Suspension,
Disciplinary Placement,
and Expulsion of
Students



Book	Clean
Section	5000 Students
Title	REMOVAL, OUT-OF-SCHOOL SUSPENSION, DISCIPLINARY PLACEMENT, AND EXPULSION OF STUDENTS
Code	po5610
Status	From Neola

5610 - REMOVAL, OUT-OF-SCHOOL SUSPENSION, DISCIPLINARY PLACEMENT, AND EXPULSION OF STUDENTS

FLVS recognizes that exclusion from its educational program, whether by emergency removal, suspension, disciplinary placement, or expulsion, is the most severe sanction that can be imposed on a student, and one that cannot fairly be imposed without due process.

No student is to be removed, suspended, expelled, or excluded from an activity, program, or FLVS learning management system ("LMS") unless the student's behavior represents misconduct as specified in the approved student/parent handbook and FLVS Board of Trustees policies. The handbook shall also specify the procedures to be followed by FLVS officials. In determining whether a student is to be suspended or expelled, FLVS shall use a preponderance of evidence standard. In addition to the procedural safeguards and definitions set forth in this policy and the student/parent handbook, the procedures set forth in Policy 5605 shall apply to students identified as disabled under the IDEA and/or Section 504 of the Rehabilitation Act of 1973.

All references to "CEO" in this policy shall mean the President and Chief Executive Officer or designee. All references to the "Board" shall mean the FLVS Board of Trustees. For purposes of this policy and the administrative procedures of the CEO, the following definitions shall apply:

Suspension, also referred to as out-of-school suspension, means the temporary removal of a student from the LMS and all other FLVS-sponsored activities, except as authorized by the principal/instructional leader, for a period not to exceed ten (10) school days and remanding of the student to the custody of the student's parent, with specific assignments to complete.

Serious breach of conduct includes, but is not limited to, willful disobedience, open defiance of the authority of a member of the staff, actual or threatened violence against persons or property, or any other act that substantially disrupts the orderly conduct of FLVS.

Expulsion means the removal of the right and obligation of a student to attend FLVS for a period of time and under conditions set by the Board not to exceed the remainder of the term or school year and one (1) additional year of attendance.

Disciplinary placement means the involuntary separation of a student from the student's regular placement or traditional education setting and benefits attached to such placement to a separate disciplinary setting with continued educational services.

I. Removal From Class

Referral

A teacher has the authority to refer a disruptive student to the principal/instructional leader. In that circumstance, the principal/instructional leader will provide oral and/or written feedback to the teacher with regard to action taken or proposed to be taken concerning the student's behavior. Disruptive behavior will be defined in the parent/student handbook and student *Code of Conduct*.

The teacher may request a conference with the principal/instructional leader and the student's parent(s)/guardian(s) prior to the student being returned to the LMS. A disruptive student will not normally be returned to the LMS where he/she exhibited the disruptive behavior before such a conference occurs.

Temporary Disabling Access to LMS

A teacher may remove a student from the LMS or school-sponsored program or activity if the teacher determines the student is interfering with the teacher's ability to communicate effectively with other students or with the ability of the student's classmates to learn. The teacher may issue a "contact instructor" directive to the student for reasons including discipline, inactivity in the LMS, or academic integrity.

II. Out-of-School Suspension

When a student's actions are so disruptive to the student or to the school as to violate law, Board policies, or school rules, the student may be suspended by the principal/instructional leader. A student who is suspended shall not have access to the LMS or participate in school-sponsored activities for a prescribed number of days not to exceed ten (10).

Before suspending a student, except in emergencies or disruptive conditions that require immediate suspension or in the case of a serious breach of conduct, the principal/instructional leader or designee shall make a good faith effort to employ parental assistance or alternative methods of dealing with the student and shall document such efforts.

Prior to a suspension, the principal/instructional leader will hold an informal hearing to give the student oral and written notice of the charges and an explanation of the evidence against him/her. The student will then have an opportunity to explain their side of the story. The hearing will be held on the day of the alleged infraction unless it would be impossible or unreasonably difficult to do so.

In cases of extremely disruptive or dangerous behavior, persons or groups involved may be immediately suspended and removed from the LMS without the necessity of a prior hearing. In such instances, each student shall be afforded an informal hearing before the principal/instructional leader prior to the expiration of the third day of suspension.

The principal/instructional leader will make a good faith effort to contact the student's parent or guardian by telephone immediately after making the decision to suspend. The principal/instructional leader will send formal written notice to the student's parent or guardian by U.S. Mail, informing of the length of the suspension and the reasons for it.

Except in the event of emergencies, all out-of-school suspensions shall begin at the end of the school day of the infraction.

During the suspension, the student's access to the LMS is disabled. The student continues with their schoolwork after completion of the suspension period.

When Board action on a recommendation for the expulsion of a student is pending, the CEO may extend the suspension assigned by the principal/instructional leader beyond ten (10) school days if such suspension expires before the next regular or special meeting of the Board.

In the case of students with disabilities, suspensions shall be pursuant to Policy 5605 and the requirements of law.

Appeals of Suspensions

The Board designates the CEO to preside over all hearings regarding the appeal of a suspension.

The notice to the parent will include an explanation of the right of the student or parent to appeal to the CEO, the right to be represented at the appeal, and the right to request the hearing.

The decision of the CEO is final.

Delayed Admission

The Board authorizes the CEO to delay the admission of a student who has been suspended by another public or private school for an act that would have been grounds for suspension according to the Board-adopted student *Code of Conduct* for a period equal to that of the suspension.

Waiver of Suspension

The CEO may grant to a principal/instructional leader the approval to waive mandatory suspension policies if the principal/instructional leader has submitted a request for the waiver and has an existing educational alternative available to the student.

III. Expulsion

The Board recognizes that expulsion from the educational program of the schools is the most severe sanction for a student at FLVS and that either one cannot fairly be imposed without due process.

A principal/instructional leader may recommend to the CEO the expulsion of a student who has committed a serious breach of conduct. A recommendation of expulsion will include a detailed report on the student's actions and alternative measures taken before the recommendation.

A student and the student's parent or guardian will be given written notice of the principal/instructional leader's recommendation and the reasons therefore and an opportunity to meet with the CEO to answer the charges.

The CEO, after reviewing the facts and circumstances of the student's misconduct and the principal/instructional leader's recommendation, may accept, reject, or modify the principal/instructional leader's recommendation.

The Board will decide on a recommended expulsion of any student who is charged with any of the "zero tolerance" policies set forth in Policy 5500 and the student *Code of Conduct*, which includes a student who has been determined to have brought to, or possessed at, at a FLVS location a firearm or weapon, as defined in F.S. Chapter 790, or to have made a threat or false report, as defined by F.S. 790.162 and 790.163.

When the CEO makes a recommendation for disciplinary placement or expulsion to the Board, written notice shall be given to the student and the student's parent or guardian of the recommendation setting forth the charges against the student, with a summary of the factual, legal, and policy grounds for the recommendation, and advising the student and his/her parent or guardian of their right of due process, including the right to a hearing.

When making a determination whether or not a student will be expelled or permanently excluded under this policy, the CEO shall retain all documents, electronically stored information (ESI), and electronic media (as defined in Board Policy) from time to time created and/or received as part of an investigation.

The documents, ESI, and electronic media retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records. The documents, ESI, and electronic media shall be retained for such time as required by law.

All students who are recommended for disciplinary placement or expulsion shall undergo screening to determine if they may be a student with a disability and due the procedural rights and safeguards afforded such students.

A parent or adult student may make a written request for a hearing within ten (10) days from receipt of the CEO's notice.

Disciplinary Placement and Expulsion Hearings

The hearing may be conducted by an individual appointed by the CEO to serve as the hearing officer, who may an administrator independent from the school setting, or an attorney who is a member in good standing of the Florida Bar. The hearing officer may seek assistance from an FLVS expulsion panel, the members of which serve the hearing officer as a fact finding committee.

All parties will be given reasonable notice of the hearing of not less than fourteen (14) days; however, the fourteen (14) day requirements may be waived by the hearing officer without the consent of the parties.

Failure to timely request a hearing or failure to appear at a hearing after notice of the date and time of the hearing shall be deemed to be a waiver of any hearing on the matter. However, upon presentation of good and sufficient reasons for non-appearance, the hearing officer may direct that the hearing be re-scheduled.

Hearings will be conducted in accordance with Florida statutes and the Uniform Rules of Procedure. Reasonable flexibility in method or order of presentation shall be permitted. No parent or adult student shall be prohibited from presenting reasonable matters because of insubstantial procedural irregularities. A parent or adult student may be represented at the hearing by an adult, whether as legal counsel or qualified representative.

Disciplinary placement and expulsion hearings are exempt from the public meetings law; however, the parent may elect to have the hearing held as a public meeting.

No Disputed Issue(s) of Material Fact

If there is no disputed issue of material fact, the parent or adult student, or their counsel, will have the opportunity at the hearing to present written or oral evidence in opposition to the proposed action or a written statement challenging the propriety of the proposed action.

The hearing officer's recommendation for Board action will be served upon the parent or adult student, the student's representative, if any, and the CEO.

Disputed Issue(s) of Material Fact

If there is a disputed issue of material fact, all parties will have an opportunity at the hearing to respond, to present evidence, and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to the hearing officer's recommended order.

Findings of fact shall be based on a preponderance of the evidence and shall be based exclusively on the evidence of record and on matters officially recognized.

All parties may submit proposed findings of fact, conclusions of law, orders, and memoranda on the issues within ten (10) business days of the conclusion of the hearing.

The hearing officer's findings of fact, conclusions of law, and recommendation for Board action will be set forth in a recommended order served upon the parent or adult student, the student's representative, if any, and the CEO. Each party shall have fifteen (15) days from receipt to submit written exceptions to the recommended order to the Board's Clerk.

Board Action

The hearing officer's recommended order will be submitted to the Board for action. The parent, adult student, or representative may appear at the Board meeting and speak to the recommended action. At the sole discretion of the Board Chair, the parent, adult student or representative will be allowed five (5) minutes to address the Board, and the CEO's attorney will be allowed five (5) minutes to respond. No new evidence will be received at the Board meeting.

Final Order

The Board will enter a written final order, including findings of fact and conclusions of law separately stated. The final order will include a ruling on each exception filed, if any, in accordance with Florida statutes.

The final order will be served on all parties.

Appeal

A party may seek judicial review of the final order in accordance with F.S. 120.68.

Denial of Admission

A student seeking to enroll at FLVS who has been expelled by an in-state or out-of-state public district school board, private school, or lab school for an act that would have been grounds for expulsion according to the FLVS student *Code of Conduct* may be denied admission to FLVS for a period equal to that of that expulsion.

Prior to making a recommendation regarding admission or denial thereof, the CEO may offer the student an opportunity for a hearing to review the circumstances of the expulsion and any other factors the CEO determines to be relevant.

The CEO may recommend that the Board honor the final order of expulsion from the student's previous district of attendance and deny admission to the student, or that the Board waive the final order of expulsion and admit the student.

Acting upon the recommendation of the CEO, the Board may deny the admission of a student who has been expelled by any in-state or out-of-state public district school board or private school for a period equal to that of the expulsion for an act that would have been grounds for expulsion according to the Board-adopted student *Code of Conduct*. A final order of expulsion shall be recorded in the records of FLVS, and the student and the student's parents shall be advised of the final order of expulsion.

However, the Board may, with or without the CEO's recommendation, waive the expulsion, admit the student, and direct that s/he be placed in an appropriate educational program.

The CEO shall develop administrative procedures to implement this policy to provide for compliance with applicable statutes.

A copy of this policy is to be made accessible to students and parents in FLVS's online policy manual and shall be provided in hard copy to students and parents upon request. Key provisions of this policy should also be included in the student *Code of Conduct*.

Legal

F.S. 120.569
F.S. 120.57
F.S. 1002.20
F.S. 1002.37
F.S. 1003.02
F.S. 1003.32
F.S. 1006.07
F.S. 1006.08
F.S. 1006.09
F.A.C. Chapter 28-106
18 U.S.C. Section 921

5611

Due Process Rights



Book	Clean
Section	5000 Students
Title	DUE PROCESS RIGHTS
Code	po5611
Status	From Neola

5611 - DUE PROCESS RIGHTS

FLVS recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to FLVS's disciplinary procedures.

In order that students receive appropriate due process, the FLVS Board of Trustees establishes the following regulations which FLVS shall use when dealing with students:

A. Students subject to suspension:

Prior to a suspension, a student will receive oral and written notice of the charges and an explanation of the evidence against him/her. The principal/instructional leader will hold an informal hearing to give the student an opportunity to explain his/her side of the story. An appeal may be directed to the President and Chief Executive Officer (CEO), whose decision will be final.

B. Students subject to expulsion:

A student and his/her parent or guardian will be given written notice of the principal/instructional leader's recommendation and the reasons therefor and an opportunity to meet with a representative of the CEO to answer the charges.

The student and/or his/her parent or guardian shall also be provided a brief description of the student's rights and of the hearing procedure. The FLVS Board of Trustees shall act on any recommendation for an expulsion as set forth in Board Policy.

In determining whether disciplinary action set forth in this policy is to be implemented, FLVS shall use a preponderance of evidence standard.

Further, any FLVS employee responsible for making a disciplinary determination under this policy shall retain all documents, electronically stored information (ESI), and electronic media created and/or received as part of an investigation pursuant to FLVS's records retention procedures. The documents, ESI, and electronic media retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.

The documents, ESI, and electronic media shall be retained for such time as required by law.

In addition, this statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.

Legal

F.S. 1002.20

F.S. 1002.37

F.S. 1006.07

F.S. 1006.09

5771

Search and Seizure



Book	Clean
Section	5000 Students
Title	SEARCH AND SEIZURE
Code	po5771
Status	From Neola

5771 - SEARCH AND SEIZURE

FLVS recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner.

To the extent applicable and if FLVS provides any storage of student possessions, then such spaces remain the property of FLVS and, in accordance with law, may be the subject of search upon reasonable suspicion that a prohibited or illegally possessed substance or object is contained therein. FLVS also authorizes the use of canines trained in detecting the presence of drugs or devices, in collaboration with law enforcement officials and upon reasonable suspicion that illegal drugs or devices may be present. It is understood that there is no expectation of privacy to prevent examination of such spaces by a school official.

School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search the person or property, including vehicles, of a student, with or without the student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction and the student's age. This authorization to search shall also apply to all situations in which the student is under the jurisdiction of FLVS.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.

Administrators are authorized to arrange for the use of a breath-test instrument for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level because FLVS has established a zero tolerance for alcohol use.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal/instructional leader who shall seek the freely offered consent of the student to the inspection. Whenever possible, a search will be conducted by the principal/instructional leader in the presence of the student and another staff member. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

The principal/instructional leader shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The principal/instructional leader shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

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Legal

F.S. 901.21

F.S. 933.07

F.S. 1002.37

F.S. 1006.09(9)

Fla. Const. Art. I, Sec. 2

U.S. Constitution, 4th Amendment

5772

Weapons



Book	Clean
Section	5000 Students
Title	WEAPONS
Code	po5772
Status	From Neola

5772 - WEAPONS

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

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

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

This policy shall also encompass such actions as look-alike items, false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

The President and Chief Executive Officer (CEO) is authorized to establish administrative procedures on weapons which require students to immediately report knowledge of weapons and threats of violence by students to the building principal/instructional leader. Failure to report such knowledge may subject the student to immediate suspension and potential expulsion from school.

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

- A. A student may carry an unloaded firearm in a case to a firearms program, class, or function which has been approved in advance by the principal/instructional leader or site administrator as a program or class to which firearms could be carried.
- B. A student eighteen (18) years of age or older may carry an unloaded firearm in a case to a career center having a firearms training range.

- C. Members of the Armed Forces, National Guard, police or other licensed law enforcement officers, as well as students enrolled in any FLVS Junior ROTC Program while under the direct supervision of FLVS staff members, may possess a firearm or weapon.
- D. Items pre-approved by the principal/instructional leader as part of a class or individual presentation or a theatrical prop used under adult supervision, if used for the purpose and in the manner approved, would be an exception to this policy. (Working firearms and any ammunition will never be approved as part of a presentation.)

The CEO will refer any student who violates this policy to the student's parents or guardians and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.

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

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Legal	F.S. 790.001
	F.S. 790.06
	F.S. 790.115
	F.S. 790.251
	F.S. 1002.37
	F.S. 1006.07
	18 U.S.C. 922
	20 U.S.C. 7151

L002

Annual Leave Benefit

SECTION: LEAVE

TITLE: ANNUAL LEAVE BENEFIT

CODE: L002

ADOPTED: 7/2009

REVISED: 7/2010, 7/2012, 7/2018

POLICY:

To maintain quality work performance, FLVS recognizes that adequate time shall be provided to the employee for time away from the work environment for rest and relaxation and to attend to personal business or circumstances. For that reason, employees are encouraged to observe their full allotment of paid time off each year. The employee and his/her supervisor shall agree upon the time away from work and the final decision for the dates of paid time off shall be that of the supervisor.

A 12-month, full-time contracted employee may be eligible to transfer years of benefit-related service from another agency that participates in the Florida Retirement System for rate accrual up-grade.

Definitions

Annual Leave Day: When the word "day" is used in the policy, it shall mean a working day. Holidays occurring during an employee's vacation are not considered Annual Leave days.

Month of Service: Shall refer to any month in which an employee received credit as having worked (includes employees on Sick Leave and out due to an industrial injury).

ELIGIBILITY

A 12-month, full-time contracted employee will be eligible for paid Annual Leave based on length of creditable service in the Florida Retirement System (FRS). Employees accrue at one of the accrual rates as long as they remain on active/ paid status during that pay period. Full-time, 12-month contracted employees shall earn Annual Leave for FRS creditable service at the rate below:

Level One — 4 hours and 20 minutes bi-weekly for up to five years of FRS service

Level Two — 5 hours and 30 minutes bi-weekly for five to 10 years of FRS service

Level Three — 6 hours and 30 minutes bi-weekly for more than 10 years of FRS service

Full-time 12-month employees must be in active/paid status on the date of award. Annual Leave accrual is awarded on the last day of the pay period which is on the Saturday prior to the pay date.

Florida Employees Carry Over/Reset Rule: Florida employees may only carry over a maximum of 480 hours of Annual Leave from calendar year to calendar year. Annual Leave Accrual balance in excess of 480 hours at calendar year end are forfeited.

Non-Florida (Out of State) Employees Maximum Accrual Cap Rule: Non-Florida employees' annual leave accrual will cap at 240 hours accrual balance and no further accrual will occur until the balance falls below 240 hours.

Full-time, 10-month contracted employees are not eligible for Annual Leave accrual.

ANNUAL LEAVE PAYOUT & SEPARATIONS

1. The employee shall be paid out at regular rate of pay for the hours paid out and paid at base salary exclusive of overtime or other premiums.
2. If an employee changes to a job that does not accrue Annual Leave, the employee is paid out any unused Annual Leave balance up to a maximum of 240 hours. Payment due an employee for Annual Leave shall be made and computed by multiplying the employee's hourly rate at the time of the change in status by the hours of Annual Leave accrued.
3. If a Florida employee transfers out of state, the maximum amount that may be transferred out of state is 240 hours. The annual leave accrual balance above 240 hours will be forfeited on the last day of Florida employment.
4. At separation, other than normal retirement (including DROP—Deferred Retirement Option), employees are entitled to their Annual Leave in which they have accrued unused balance up to a maximum of 240 hours of leave. See Policy PS025 for exclusions to separation payout.
5. At normal retirement beginning July 1, 2018 (including those entering DROP—Deferred Retirement Option on or after July 1, 2018), employees are entitled to their Annual Leave in which they have an accrued unused balance up to a maximum of 480 hours of leave for Florida employees and up to a maximum of 240 hours of leave for Out of State employees.

PROCEDURE:

ANNUAL LEAVE ACCRUAL

The Payroll Department confirms FRS creditable years of service with the FRS Division of Retirement to ensure that all employees earn paid Annual Leave based on years of service. It is the responsibility of the employee to notify the Payroll Department if the employee has elected Optional Retirement Plan (ORP) in previous employment and provide proof of years of service. The Payroll Department will then confirm those years with an FRS, ORP specialist.

SCHEDULING

1. Employees shall provide as much advance notice as possible to their supervisor when scheduling vacation time.
2. The final decision for the dates of annual leave shall be that of the supervisor.

3. ~~All annual leave requests of more than 10 consecutive days; or if the 10 day request is immediately before/after a FLVS paid holiday, these requests require executive team approval and board ratification~~
4. ~~It is the responsibility of the employee to monitor his/her Annual Leave balances throughout the year.~~

~~ANNUAL LEAVE ADJUSTMENT~~

1. ~~Annual Leave pay-out adjustments for administrative errors shall be retroactive.~~
2. ~~The retroactive period for back pay shall include the current fiscal year and up to a maximum of one previous year.~~
3. ~~The employee shall receive back pay, once brought to the attention of the Payroll Department.~~

~~ANNUAL LEAVE ENCASHMENT~~

~~It is the intent of the Annual Leave benefit to provide the necessary time away from work for the wellness of the employee. As part of that goal, FLVS provides employees the limited opportunity to use a portion of their accrued Annual Leave each fiscal year for certain employee wellness related expenses. Full time 12 month employees are eligible to cash out a portion of their earned Annual Leave to help cover the costs associated with the purchase of any of the following "wellness related" expenses:~~

- ~~Gym memberships at the following chains: YMCA, Planet Fitness, Lifestyle Family Fitness, LA Fitness, Gold's Gym, 24hour Fitness, local county/municipal gyms, and Beach body. Other gyms may be approved on a case by case basis if the listed chains are not available in the employee's area.~~
- ~~Purchased home exercise equipment including treadmills, elliptical machines, bicycles (both stationary & non-stationary), all-in-one gym systems (such as Bow Flex), stair-climbers, yoga mats, exercise balls, weights, step benches, pull-up bars, exercise videos/DVD's and workout games (not including sports or dance games).~~
- ~~Expenses related to the hiring of a certified personal trainer for workouts, and a registered dietician for nutritional counseling. These people cannot be relatives.~~
- ~~The cost associated with participation in a weight loss program including Jenny Craig, Weight Watchers, NutriSystem, meal replacement shake programs or any physician-assisted/physician prescribed weight loss program not otherwise covered by insurance, including laser therapy.~~
- ~~The cost associated with participation in a tobacco cessation program including program dues/fees and nicotine replacement therapy that is not otherwise covered by insurance or FLVS.~~
- ~~Purchased office ergonomic equipment including ergonomic arm and wrist supports, ergonomic keyboards and trays, ergonomic trackballs and mice, hands-free telephonic headsets, ergonomic chairs/seating, monitor display mounting solutions, and adjustable foot rests.~~

~~The Annual Leave Encashment Program is for employee purchases/expenses only. Expenses for~~

spouses and other family members are not eligible. Additionally, memberships for sporting related activities only, such as swimming, golf, tennis, racquetball, bowling, dancing, baseball/softball, boxing, etc. are not eligible as gym membership expenses.

ANNUAL LEAVE ENCASHMENT PROCEDURE

To receive an Annual Leave Encashment, employees must complete the Annual Leave Encashment Request Form, and submit it to the Benefits Department, along with supporting receipt(s) for eligible expenses. Receipts must include the type of expense; the date of purchase; the amount paid; and the name, address, and telephone number of the entity from whom the purchased goods and/or services was made. For gym memberships, a statement showing member enrollment or member utilization must also be provided. Request forms and receipts may be submitted via email, directly to the Benefits Department in Human Resources. Once approved, the Payroll Department will process payment at the employee's current hourly rate of pay, based on annual leave hours available as of the current pay period. Encashment requests will be rounded up and paid to the nearest whole hour. Annual Leave Encashment requests are processed on a first come first serve basis pursuant to the availability of budgeted funds. Payment will be made to employees via their direct deposit on file, and paid during the next available payroll processing date. All requests for Annual Leave Encashment must be received by the payroll year end deadline of June 10, each fiscal year.

Employees who do not accrue annual leave are ineligible to utilize the Annual Leave Encashment Program.

L004

Domestic Violence

SECTION: LEAVE

TITLE: DOMESTIC VIOLENCE

CODE: L004

ADOPTED: 7/2008

REVISED: 7/2009

POLICY:

FLVS is mindful of supporting the needs of its employees. FLVS is sensitive to the needs of employees who find themselves in a dangerous or potentially dangerous environment. An employee may request up to three days Domestic Violence Leave in a 12-month period as defined in Florida Statute 741.313.

PROCEDURE:

- ~~Employees must have been employed for three or more months to be eligible for Domestic Violence Leave.~~
- ~~Except in cases of imminent danger to the health and safety of the employee or family/household member, the employee shall provide appropriate advance notice by submitting a Leave of Absence request in Workday prior to the date on which leave is to begin.~~
- ~~Employees may request paid leave if an accrual balance is available from either Annual Leave or Sick Leave. If no paid leave balance is available the employee shall request an unpaid Leave of Absence.~~
- ~~Employees may be required to provide documentation of the act of domestic violence at the request of FLVS administration.~~
- ~~National Domestic Violence Hotline 1-800-799-SAFE (7233), 24 hours a day, 365 days a year. Assistance is available in English and Spanish and with access to more than 170 languages through interpreter services.~~

L006

Leaves of Absence

SECTION: LEAVE

TITLE: LEAVES OF ABSENCE

CODE: L006

ADOPTED: 7/2005

REVISED: 7/2009, 7/2010, 7/2011

POLICY:

A Leave of Absence (LOA) is an officially approved temporary suspension of employment initiated by the employee, which is not to exceed the maximums established in this policy. Leaves are granted on the assumption that the employee will be available to return to regular employment upon expiration of the leave.

In the event of an emergency situation where the employee must be absent prior to receiving approval from his/her immediate supervisor, the employee shall request such approval, with appropriate justification, as soon as reasonably possible.

An employee who has exhausted his/her accumulated Sick Leave or Annual Leave may request leave without pay.

An employee who becomes ill or disabled while on Annual Leave shall be allowed to use Sick Leave credits to cover the period of illness.

FAMILY/MEDICAL LEAVES OF ABSENCE

Employees may be eligible to request Family/Medical Leaves of Absence (FMLA), provided that the employee has worked for FLVS at least 12 months and for at least 1,250 hours in the last 12 months.

FLVS defines the FMLA Leave Year as a 12-month rolling period that is measured backward from the date an employee uses any FMLA Leave.

Employees may request a Family/Medical Leave for any of the following reasons:

- Incapacity due to pregnancy, prenatal medical care, or the birth of a son or daughter and in order to care for such son or daughter
- Placement of a son or daughter with the employee for adoption or foster care
- Care for a spouse, son, daughter, or parent with a serious health condition
- Employee's own serious health condition, which renders him/her unable to perform the functions of his/her position
- Any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty to a foreign country (qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings)
- If an employee is currently on FMLA with another employer, he/she must inform the Benefits department. The employee will not be permitted to start or resume work at FLVS while on an active FMLA, and/or without a medical release to return to work.

- An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member or covered veteran who is recovering from a serious illness or injury sustained in the line of duty, to include pre-existing conditions aggravated by service in the line of duty on active duty in the armed forces, who are undergoing medical treatment, recuperation, or therapy for a serious illness or injury that occurred any time during the five years preceding the date of treatment. Eligible employees are entitled to up to 26 weeks of leave in a single 12-month period to care for the service member or veteran. This Military Caregiver Leave is available during a “single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA Leave. The service member/veteran care-giver FMLA year is defined as a 12-month rolling period that is measured forward from date an employee uses this leave.

After 12 weeks of Family/Medical Leave, the employee must return to FLVS or terminate employment. If the employee fails to return to work at the end of the 12-week leave period, the employee shall reimburse FLVS for the cost of any premiums paid by FLVS during unpaid leave. Additionally, the date of separation will be the last day of approved FMLA Leave and FLVS Benefits will terminate effective the last day of the month of the employee's last day of approved leave.

Employees not covered under FMLA may request a Leave of Absence through their supervisor and said Leave of Absence must be approved by the President/CEO, but may not be approved to take more than a 30-calendar day continuous Leave of Absence whether paid or unpaid.

The use of paid leave shall not be authorized and taken prior to the time it is earned and credited. Employees continue to earn Annual and Sick Leave credits while on leave with pay (including Worker's Compensation).

Leave credits shall not be earned while the employee is on leave without pay.

PROCEDURE:

LEAVES OF ABSENCE

An employee requesting a Leave of Absence must complete the **Request for LOA** Form and submit to the Benefits Department at least 30 days in advance when such leave is foreseeable.

- If an employee is unable to request a leave within the 30-day notice period, he/she may give notice as soon as is feasible.
- Less than a 30-day notice may result in a delay in the start of a leave.
- The employee is responsible for payment of any insurance/benefit premiums that may be due to FLVS during his/her unpaid Leave of Absence.

DETERMINATION OF ELIGIBILITY

- The Benefits Department will determine if the reason for requested leave qualifies under FMLA and if the employee is eligible for FMLA Leave.

- The Benefits Department will notify the employee if the leave will be designated as FMLA, based on information from the employee or a designated employee-spokesperson (i.e., family member).
- The employee does not have to request the leave for it to be considered as FMLA. If the employee's condition or family situation meets the qualifications of a serious health condition or family situation as defined under FMLA, the period of absence will be designated as FMLA as determined by the Benefits Department based on the information received. This is to include any Worker's Compensation injuries that are expected to last in excess of three days.
- In order to determine if the leave meets FMLA guidelines, a Certification of Health Care Provider form will be given to the employee. Upon receipt, the Benefits Department will determine if the leave qualifies under FMLA. A written notification will be issued to the employee within five business days of receiving the completed Certification of Health Care Provider Form.
- If Certification of Healthcare Provider Form furnished by an employee is not acceptable by the Benefits Department, the benefits manager may require a second opinion. Based on the results, the benefits manager shall either approve or deny further use of FMLA Leave.
- If the leave of absence request does not qualify for FMLA, then the Benefits department will forward the request to the President/CEO.
- Following the final review, the Benefit Department will notify the employee, payroll, and supervisor of the approval outcome.

PROCESSING LEAVE

- The Benefits Department will process the leave if requested leave is approved.
- Any accrued Annual Leave, Sick Days, and Worker's Compensation will be substituted for unpaid Family/Medical Leave. The substitution of paid leave time does not extend the period of time permitted under the FMLA.

PAYMENT

- During the period of FMLA, FLVS will continue to maintain the employee's benefits. If any employee moves into an unpaid status while on FMLA, the employee will be required to assume his/her portion of the premium.
- After the employee exhausts his/her paid Annual/Sick Leave, there is no accrual of Annual/Sick Leave during the unpaid leave period.
- If the employee is on a Family/Medical Leave of Absence, payroll will be responsible for updating FLVS time and attendance system for an employee under the direction of the supervisor and/or Benefits Department. Paid absences will be coded in conjunction with the appropriate Annual/Sick Leave time code in Workday.
- All accrued Sick Leave should be exhausted prior to charging time to Annual Leave pay.
- Contact the Benefits Department for more information and for reporting intermittent/reduced schedule leave.

PROCEDURES FOR APPLICATION AND APPROVAL OF NON FMLA LEAVES

All non-FMLA applications for Leaves of Absence must be submitted via the electronic time and

attendance system (Workday).

- ~~All non FMLA leaves must be approved by the supervisor prior to the date leave is to commence.~~
- ~~In the case of an emergency, the employee shall ensure the request is submitted on his/her behalf within five working days of the first day of absence.~~

L008
Sick Leave

SECTION: LEAVE

TITLE: SICK LEAVE

CODE: L008

ADOPTED:

POLICY:

POLICY:

FLVS full-time, benefited employees are eligible for Sick Leave accrual pursuant to Florida Statutes. Sick Leave has two categories: Sick Leave and Sick Personal Use.

- ~~Full-time employees accrue time equating up to one day of Sick Leave per month worked.~~
- ~~Sick Leave shall be credited to the employee in pay periods throughout the year and shall not be used prior to the time it is earned and credited to the employee.~~
- ~~Sick Leave shall be taken only when necessary because of sickness and/or to attend medical appointments as herein prescribed. Sick Leave is cumulative from year to year.~~
- ~~No limit is placed on the number of Sick Leave days an employee may accrue.~~
- ~~An employee may be paid for unused Sick Leave only upon separation being coded as normal retirement from FLVS (including those entering DROP — Deferred Retirement Option on or after July 1, 2018), or death up to a maximum of 480 hours~~

» Retirement is defined as being eligible, applying, and receiving a benefit from the Florida Retirement System (FRS). Normal retirement is six years of service and 62 years of age, or 30 years of service, regardless of age for FRS members hired prior to July 1, 2011. Normal retirement is eight years of service and 65 years of age, or 33 years of service, regardless of age for FRS members hired on or after July 1, 2011.

FLVS EMPLOYEES HIRED PRIOR TO SEPTEMBER 6, 2001

~~Full-time employees hired prior to September 6, 2001, will receive terminal pay benefits upon retirement that provide a benefit pay-out of all accrued Sick Leave days or as provided/required by the state law.~~

OUTSIDE ACCUMULATION OF SICK LEAVE

~~All FLVS employees hired on or after September 7, 2001, who have unused accumulated Sick Leave acquired in another Florida district or approved state agency, shall be granted according to the terms outlined below.~~

~~Unused accumulated Sick Leave acquired by the employee from another agency that participates in the Florida Retirement System shall be accepted by FLVS.~~

SICK LEAVE — SICK LEAVE USE

~~The intent of the Sick Leave benefit is to provide employees with income security for those instances when an employee is unable to perform job duties due to personal illness, to attend medical appointments or in the event of accident disability, or illness or death of a member of immediate family. "Immediate family" shall be defined as:~~

- ~~Spouse, parent, step parent, child, step-child, grandchild, brother, sister, grandparent, parent-in-law, daughter or son-in-law~~
- ~~Any relative or dependent who resides within the employee's household. The benefit is exhausted when all accrued time is paid out.~~

~~SICK LEAVE — SICK PERSONAL USE~~

~~FLVS has defined a portion of Sick Leave for "personal reasons." Of the Sick Leave days earned each fiscal year, up to six of those earned days each fiscal year may be designated as Sick Personal Use.~~

- ~~Sick Personal Use is not accrued, and is not cumulative from year to year. Sick Personal Use is a subset of Sick Leave, allowing employees to utilize up to six days (48 hours) of their accrued Sick Leave each fiscal year, for reasons otherwise not authorized to be charged to Sick Leave. Sick Personal Use resets to six days (48 hours) at the beginning of each fiscal year. Employees must have accrued Sick Leave in order to utilize their Sick Leave for Sick Personal Use reasons.~~

~~Employees are entitled up to six Sick Personal Use days each fiscal year that are non-cumulative and chargeable to accrued Sick Leave upon the approval of their immediate supervisor subject to the following:~~

- ~~Exempt employees are eligible for full-day or eight-hour increments.~~
- ~~Non-Exempt employees are eligible to use time in six-minute increments.~~

~~USE OF SICK LEAVE BY FAMILY MEMBER~~

~~FLVS may authorize an employee's spouse, child, parent, or sibling who is also an FLVS employee to use Sick Leave that has accrued to the authorizing employee. The authorizing employee may not provide the recipient Sick Leave until all of the recipient's Sick Leave has been depleted. Donated Sick Leave under this paragraph shall have no terminal value upon retirement.~~

~~OUTSIDE ACCUMULATION OF SICK LEAVE PROCEDURE~~

- ~~For each day of Sick Leave acquired by the transferring employee in this school district, the employee is entitled to another day of credit from the verified accumulated Sick Leave in another approved agency.~~
- ~~The employee must provide documentation of the outside accumulated Sick Leave to FLVS Payroll Department within one year of the employee's start date with FLVS.~~

~~SICK LEAVE — SICK PERSONAL USE PROCEDURE~~

- ~~Employees must obtain management approval in advance for Sick Personal Leave use.~~
- ~~The employee must notify Benefits before any use of sick leave (with the exception of Sick Personal Leave) for 3 or more consecutive days to ensure proper documentation in accordance with FMLA and other applicable laws.~~
- ~~Except in case of emergency, or in extenuating circumstances, Sick Personal Use is to be requested at least five days in advance.~~

~~Any claim for Sick Leave shall be recorded in the electronic time and attendance system (Workday) for the employee's supervisor to approve. When advanced approval of Sick Leave is not feasible, the employee must direct a timecard update email to his/her supervisor upon return to duty.~~

~~MEDICAL VERIFICATION~~

- ~~• Supervisor/Benefits, Human Resources Department may require a medical verification of absence(s) due to illness or injury.~~
- ~~• Medical verifications must indicate that the employee is unable to perform the regularly scheduled assigned duties if further Sick Leave is to be authorized.~~
- ~~• If medical verification furnished by an employee is not acceptable by the Benefits Department, the benefits manager may require, when appropriate, the employee to submit to a medical examination. Based on the results of the examination, the benefits manager shall either approve or deny further use of Sick Leave credits.~~

STU002
Policy Against
Bullying and
Harassment

STU002 Policy Against Bullying and Harassment

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POLICY:

STATEMENT AGAINST BULLYING AND HARASSMENT. It is the policy of FLVS that all its students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. FLVS will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment as defined herein is prohibited.

DEFINITIONS

For the purposes of this policy, the following definitions shall apply:

Bullying includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to:

- Teasing
- Social exclusion
- Stalking
- Threat
- Intimidation
- Sexual, religious, or racial harassment
- Physical violence
- Theft
- Public or private humiliation
- Destruction of property

Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photo-optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by

electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or school employee that:

- Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- Has the effect of substantially disrupting the orderly operation of a school.

Bullying and harassment also encompasses:

- Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
- Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
- Incitement or coercion
- Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the district school system
- Acting in a manner that has an effect substantially like the effect of bullying or harassment

Cyberstalking as defined in [s. 784.048\(1\)\(d\), F.S.](#), means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person, and serving no legitimate purpose.

DESCRIPTION OF TYPE OF BEHAVIOR EXPECTED FROM EACH STUDENT AND EMPLOYEE OF FLVS

FLVS expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and FLVS staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

FLVS believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property.

on the part of students, staff, and community members. Since students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment.

FLVS upholds that bullying or harassment of any student or school employee is prohibited:

- a) ~~During any education program or activity conducted by an FLVS public K-12 educational institution;~~
- b) ~~During any FLVS school-related or school-sponsored program or activity;~~
- c) ~~On a school bus of a public K-12 educational institution;~~
- d) ~~Through the use of data or computer software that is accessed through a computer, computer system, or computer network of an FLVS public K-12 education institution, meaning regardless of ownership, any computer, computer system, or computer network that is physically located on FLVS property or at a school-related or school-sponsored program or activity; or~~
- e) ~~Through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by FLVS, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by FLVS or substantially disrupts the education process or orderly operation of an FLVS school.~~
- f) ~~The above section (e) does not require FLVS to staff or monitor any non-school-related activity, function, or program.~~

Each school community is required to implement appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship, and academic success.

~~CONSEQUENCES FOR A STUDENT OR FLVS EMPLOYEE OF A PUBLIC K-12 EDUCATIONAL INSTITUTION WHO COMMITS AN ACT OF BULLYING OR HARASSMENT~~

~~Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action.~~

~~Consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct.~~

~~Consequences and appropriate remedial action for a school employee found to have committed an act of bullying or harassment may be disciplined in accordance with FLVS policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state-issued certificate. (See State Board of Education Rule 6B-1.006, FAC., *The Principles of Professional Conduct of the Education Profession in Florida*.)~~

~~Consequences and appropriate remedial action for a visitor or volunteer, found to have committed an act of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.~~

~~CONSEQUENCES FOR A STUDENT OR FLVS EMPLOYEE OF A PUBLIC K-12 EDUCATIONAL INSTITUTION WHO IS FOUND TO HAVE WRONGFULLY AND INTENTIONALLY ACCUSED ANOTHER OF AN ACT OF BULLYING OR HARASSMENT~~

~~Consequences and appropriate remedial action for a student found to have wrongfully and intentionally accused another as a means of bullying or harassment range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct.~~

~~Consequences and appropriate remedial action for a school employee found to have wrongfully and intentionally accused another as a means of bullying or harassment may be disciplined in accordance with FLVS policies, procedures, and agreements.~~

~~Consequences and appropriate remedial action for a visitor or volunteer, found to have wrongfully and intentionally accused another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.~~

~~A PROCEDURE FOR REPORTING AN ACT OF BULLYING OR HARASSMENT, INCLUDING PROVISIONS THAT PERMIT A PERSON TO ANONYMOUSLY REPORT SUCH ACT~~

~~At each school, the principal/instructional leader or the principal/instructional leader's designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal/instructional leader or the principal/instructional leader's designee. All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in person to the principal/instructional leader or principal/instructional leader's designee.~~

The principal/instructional leader of each school shall establish and prominently publicize to students, staff, volunteers, and parents/legal guardians, how a report of bullying or harassment may be filed either in person or anonymously and how this report will be acted upon. The victim of bullying or harassment, anyone who witnessed the bullying or harassment, and anyone who has credible information that an act of bullying or harassment has taken place may file a report of bullying or harassment. A school employee, school volunteer, student, parent/legal guardian, or other person who promptly reports in good faith an act of bullying or harassment to the appropriate school official, and who makes this report in compliance with the procedures set forth in this policy, is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.

Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s). Reports may be made anonymously, but formal disciplinary action may not be based solely based on an anonymous report.

~~PROCEDURES FOR THE PROMPT INVESTIGATION OF A REPORT OF BULLYING OR HARASSMENT AND THE PERSONS RESPONSIBLE FOR THE INVESTIGATION~~

The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act.

At each school in the FLVS district, the procedures for investigating bullying and/or harassment include:

1. The principal/instructional leader or designee selects a designee(s), employed by the school, and trained in investigative procedures to initiate the investigation. The designee(s) may not be the accused perpetrator (harasser or bully) or victim.
2. Documented interviews of the victim, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.
3. The investigator shall collect and evaluate the facts including, but not limited to:
 - Description of incident(s) including nature of the behavior, context in which the alleged incident(s) occurred, etc.;
 - How often the conduct occurred;
 - Whether there were past incidents or past continuing patterns of behavior;
 - The relationship between the parties involved;
 - The characteristics of parties involved (i.e., grade, age, etc.);
 - The identity and number of individuals who participated in bullying or harassing behavior;
 - Where the alleged incident(s) occurred;

- Whether the conduct adversely affected the student's education or educational environment;
 - Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
 - The date, time, and method in which the parents/legal guardians of all parties involved were contacted.
4. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances and includes:
- Recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
 - A written final report to the principal/instructional leader.
5. The maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying and/or harassment, and the investigative procedures that follow.

SCOPE

A principal/instructional leader or designee will assign a designee(s) that is trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of jurisdiction of FLVS. Computers without web filtering software or computers with web filtering software that is disabled shall be used when complaints of cyberbullying are investigated.

The trained designee(s) will provide a report on results of investigation with recommendations for the principal/instructional leader to decide if an act of bullying or harassment falls within the scope of jurisdiction of FLVS.

1. If it is within scope of jurisdiction of FLVS, move to procedures for investigating bullying or harassment.
2. If it is outside scope of jurisdiction of FLVS, and determined a criminal act, refer to appropriate law enforcement.
3. If it is outside the scope of jurisdiction of FLVS, and determined not a criminal act, inform parents/legal guardians of all students involved.

PROCEDURES FOR PROVIDING IMMEDIATE NOTIFICATION TO THE PARENTS/GUARDIANS OF A VICTIM OF BULLYING OR HARASSMENT AND THE PARENTS/LEGAL GUARDIANS OF THE PERPETRATOR OF AN ACT OF BULLYING OR HARASSMENT AS WELL AS, NOTIFICATION TO ALL LOCAL AGENCIES WHERE CRIMINAL CHARGES MAY BE PURSUED AGAINST THE PERPETRATOR

The principal/instructional leader, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and

Privacy Act of 1974 ([FERPA](#)).

If the bullying or harassment incident results in the perpetrator being charged with a crime, the principal/instructional leader, or designee, shall by telephone or in writing by first class mail, inform parents/legal guardian of the victim(s) involved in the bullying or harassment incident about the [Unsafe School Choice Option](#)

(USCO) (section [9532](#) of the Elementary and Secondary Education Act [ESEA] of 1965, as amended by the No Child Left Behind Act of 2001) that states "...a student who becomes a victim of a violent criminal offense, as determined by statelaw, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school."

Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.

[A PROCEDURE TO REFER VICTIMS AND PERPETRATORS OF BULLYING OR HARASSMENT FOR COUNSELING](#)

FLVS procedure will establish a protocol for intervening when bullying or harassment is suspected or when a bullying or harassment incident is reported. The procedure shall include:

1. A process by which the teacher or parent/legal guardian may request informal consultation with school staff (specialty staff, i.e., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern (the involved students' parents or legal guardian may be included).
2. A referral process to provide professional assistance or services that includes:
 - a) A process by which school personnel or parent/legal guardian may refer a student to the school intervention team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services. (Parent or legal guardian involvement is required at this point.)
 - b) If a formal discipline report or formal complaint is made, the principal/instructional leader or designee must refer the student(s) to the school intervention team for determination of counseling support and interventions. (Parent or legal guardian involvement is required at this point.)
3. A school-based component to address intervention and assistance as determined appropriate by the intervention team that includes:
 - a) Counseling and support to address the needs of the victims of bullying or harassment;
 - b) Research-based counseling/interventions to address the behavior of the students who bully and harass others (i.e., empathy training, anger management); and/or
 - c) Research-based counseling/interventions, which includes assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.

[A PROCEDURE FOR INCLUDING INCIDENTS OF BULLYING OR HARASSMENT IN THE](#)

~~SCHOOL'S REPORT OF DATA CONCERNING SCHOOL SAFETY AND DISCIPLINE DATA REQUIRED UNDER S. 1006.09(6), F.S.~~

~~The report must include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report must include, in a separate section, each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this policy (reported as "unsubstantiated bullying" or "unsubstantiated harassment") with recommendations regarding such incidents (cyberbullying incidents are to be included within the bullying incidents category).~~

~~FLVS will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes **bullying and harassment** as incident codes as well as **bullying related** as a related element code. The SESIR definition of bullying is systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile, or offensive environment; or unreasonably interfere with the individual's school performance or participation. The SESIR definition of harassment is any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that 1) places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property, 2) has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or 3) has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.~~

~~If a **bullying or harassment** incident occurs, then it will be reported in SESIR with either the bullying or harassment code. If the **bullying or harassment** results in any of the following incidents, the incident will be coded appropriately using the relevant incident code AND the related element code entitled **bullying related**. Those incidents are:~~

- ~~●—Alcohol~~
- ~~●—Arson~~
- ~~●—Battery~~
- ~~●—Breaking and Entering~~
- ~~●—Disruption on Campus~~
- ~~●—Drug Sale/Distribution Excluding Alcohol~~
- ~~●—Drug Use/Possession Excluding Alcohol~~
- ~~●—Fighting~~
- ~~●—Homicide~~
- ~~●—Kidnapping~~
- ~~●—Larceny/Theft~~
- ~~●—Robbery~~
- ~~●—Sexual Battery~~

- Sexual Harassment
- Sexual Offenses
- Threat/Intimidation
- Trespassing
- Tobacco
- Vandalism
- Weapons Possession
- Other Major (Other major incidents that do not fit within the other definitions)

Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System.

FLVS will provide bullying or harassment incident, discipline, and referral data to the Florida Department of Education in the format requested, through Surveys 2, 3, and 5 from Education Information and Accountability Services, and at designated dates provided by the department. Data reporting on bullying, harassment, unsubstantiated bullying, unsubstantiated harassment, sexual harassment, and threat/intimidation incidents, as well as any bullying-related incidents that have as a basis sex, race, or disability should include the incident basis. Victims of these offenses should also have the incident basis (sex, race, or disability) noted in their student record.

~~A LIST OF PROGRAMS AUTHORIZED BY FLVS THAT PROVIDE INSTRUCTION TO STUDENTS, PARENTS/LEGAL GUARDIANS, TEACHERS, SCHOOL ADMINISTRATORS, COUNSELING STAFF, AND SCHOOL VOLUNTEERS ON IDENTIFYING, PREVENTING, AND RESPONDING TO BULLYING OR HARASSMENT, INCLUDING INSTRUCTION ON RECOGNIZING BEHAVIORS THAT LEAD TO BULLYING AND HARASSMENT AND TAKING APPROPRIATE PREVENTATIVE ACTION BASED ON THOSE OBSERVATIONS~~

FLVS ensures that schools sustain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms with regards to bullying or harassment. This requires the efforts of everyone in the school environment: teachers, administrators, counselors, other non-teaching staff, parents/legal guardians, and students.

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

FLVS provides the following list of authorized programs including, but not limited to:

Staff

- Supporting All Students: Creating Positive Environments for LGBTQ Students by Ian Siljestrom, The Safe and Healthy Schools Associate Director for Equality Florida
- Beacon on Demand Courses (free as part of our paid subscription): #8672-Recognizing Signs and Symptoms of Emotional Distress
- Beacon on Demand Courses: #8636 Community Trauma: Strategies for the Classroom
- Beacon Staff training (on their website): Creating a Safe and Respectful Environment in Our Nation's Classrooms (for teachers)

Students

- Leader in Me
- Evolution Labs – 5 hour Mental and Emotional Health Education requirement
- Sandford Harmony
- Guidance: K-5 Anti-bullying webinar series in zoom found here- https://www.flvs.net/student_resources/flex/webinars-elementary
- Computer Science Courses K-5
- MJ Peer Counseling
- Peer Counseling 2

Decisions to include additional instructional programs or activities, not previously listed within this policy, will be made on a case-by-case basis, and authorized by individual school principals.

~~A PROCEDURE FOR REGULARLY REPORTING TO A VICTIM'S PARENTS/LEGAL GUARDIANS THE LEGAL ACTIONS TAKEN TO PROTECT THE VICTIM~~

The principal/instructional leader or designee shall by telephone and/or in writing report the occurrence of any incident of **bullying** or **harassment** as defined by this policy to the parent/legal guardian of all students involved on the same day an investigation of the incident has been initiated. According to the level of infraction, parents/legal guardians will be notified by telephone and/or writing of actions being taken to protect the child. The frequency of notification will depend on the seriousness of the bullying or harassment incident. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 ([FERPA](#)).

~~A PROCEDURE FOR PUBLICIZING THE POLICY WHICH MUST INCLUDE ITS PUBLICATION IN THE CODE OF STUDENT CONDUCT AND IN ALL EMPLOYEE HANDBOOKS:~~

At the beginning of each school year, FLVS shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of FLVS' student safety and violence prevention policy.

FLVS shall provide notice to students and staff of this policy through appropriate references within the Student Code of Conduct and employee handbooks, and/or through other reasonable means. FLVS shall also make all contractors contracting with FLVS aware of this policy.

Each school principal/instructional leader shall develop an annual process for discussing the FLVS policy on **bullying** and **harassment** with students in a student assembly or other reasonable format. Reminders of the policy and **bullying** or **harassment** prevention messages such as posters and signs will be displayed.

Ref.: ~~§§1002.20, 1002.37, 1006.13, 1006.147, Fla. Stat.~~

Adopted: ~~03/02/2021~~ Amended: ~~03/02/2021~~