

SOUTH TECH CHARTER ACADEMY, INC.

BOARD POLICY

CHAPTER 3 - PERSONNEL

<u>3.02</u>	Employee Ethics in Education (renumbered from 3.101)
<u>3.05</u>	Equal Opportunity and Non Discrimination Policy
<u>3.06</u>	Policy Concerning Persons with a Disability and Procedures for Accommodation
<u>3.08</u>	Personnel Files (PBC School District Policy)
<u>3.09</u>	Social Security Numbers (PBC School District Policy)
<u>3.10</u>	Conditions of Employment
<u>3.11</u>	Medical Examinations During Employment
<u>3.12</u>	Criminal Background Checks
<u>3.121</u>	Background Screening of Certain Non-instructional Employees and Contractors
<u>3.13</u>	Self-Reporting of Arrests and Convictions by Board Employees
<u>3.15</u>	Appointment and Reappointment of Personnel
<u>3.16</u>	Out-of-Field Teaching Assignments
<u>3.19</u>	Policy Prohibiting Harassment
<u>3.20</u>	Resignation and Termination from Employment
<u>3.21</u>	Safe Operation of District School Buses
<u>3.25</u>	Personnel Investigations and Probable Cause Determination
<u>3.26</u>	Possession of Firearm
<u>3.27</u>	Suspension and Dismissal of Employees
<u>3.28</u>	Adverse Personnel Action Against Employee/Independent Contractor

<u>3.29</u>	Employee Use of Technology
<u>3.30</u>	Performance Assessment of Personnel
<u>3.31</u>	Grievance Procedure for Employees
<u>3.40</u>	Year of Service Defined
<u>3.44</u>	Verification of Experienced Teachers' Highly Qualified Status
<u>3.45</u>	Promotional Practices
<u>3.55</u>	Interim and Probationary Appointments
<u>3.60</u>	Nepotism
<u>3.70</u>	Jury Duty
<u>3.75</u>	Witness Duty
<u>3.76</u>	Family and Medical Leave Act
<u>3.80</u>	Leave of Absence
<u>3.81</u>	Infectious Disease
<u>3.84</u>	Employment of Certified Personnel
<u>3.85</u>	Employment of Substitutes, Part-time Adult and Vocational, and Non-degreed Vocational Teachers
<u>3.96</u>	Drug and Alcohol Free Workplace

EMPLOYEE ETHICS IN EDUCATION

1. Purpose. South Tech is committed to promoting the highest standards of ethics and professional conduct by its employees. Any violation of this policy may subject the individual to disciplinary action including termination or revocation or suspension of the individual educator's certificate or other penalties as provided by law.

2. Code of Ethics.

A. The educator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.

B. The educator's primary professional concern will always be for the student and for the development of the student's potential. The educator will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.

C. Aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.

D. The educator will maintain full compliance with the Principles of Professional Conduct for the Education Profession in Florida, Code of Ethics of the Education Profession in Florida Rule 6B-1.006.

3. Principles of Professional Conduct. The following obligations constitute the Principles of Professional Conduct of South Tech.

A. Obligation to the student requires that the individual shall:

1. Make a reasonable effort to protect the student from conditions harmful to learning and/or to the student mental and/or physical health and/or safety.
2. Not unreasonably restrain a student from independent action in pursuit of learning.
3. Not unreasonably deny a student access to diverse points of view.
4. Not intentionally suppress or distort subject matter relevant to a student's academic program.
5. Not intentionally expose a student to unnecessary embarrassment or disparagement.
6. Not intentionally violate or deny a student's legal rights.
7. Not harass or discriminate against any student on the basis of race, color, religion, sex, age, national origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort

to assure that each students protected from harassment or discrimination.

8. Not exploit a relationship with a student for personal gain or advantage.
9. Keep in confidence personally identifiable information obtained in the course of professional services, unless disclosure serves professional purposes or is required by law.

B. Obligation to the public requires that the individual shall:

1. Take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.
2. Not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expressions.
3. Not use institutional privileges for personal gain or advantage.
4. Not accept a gratuity, gift, or favor that might influence professional judgment.
5. Offer no gratuity, gift or favor to obtain special advantages.

C. Obligation to the profession of education requires that the individual shall:

1. Maintain honesty in all professional dealings.
2. Not discriminate on the basis of race, color, religion, sex, age, national, or ethnic origin, political beliefs, marital status, handicapping condition, if otherwise qualified, or social and family background deny to a colleague professional benefits or advantages or participation in any professional organization.
3. Not interfere with a colleague's exercise of political or civil rights and responsibilities.
4. Not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly process of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and further, shall make reasonable effort to assure each individual is protected from such harassment or discrimination.
5. Not make malicious or intentionally false statements about a colleague.
6. Not use coercive means or promise special treatment to influence professional judgment of colleagues.
7. Not misrepresent one's own professional qualifications.
8. Not submit fraudulent information on any document in connection with professional activities.

9. Not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.
10. Not withhold information regarding a position from any applicant or misrepresent an assignment or condition of employment.
11. Not assist entry into or continuance in the profession of any person known to be unqualified in accordance with this policy and applicable Florida Statutes and State Board of Education Rules.
12. Self-report within forty-eight (48) hours to the school president any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, individuals shall self-report any arrest, conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty of Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment or arrest.
13. Report to the Academy President or Management Company Representative, any known allegation of a violation of the Florida School Code or State Board of Education Rules.
14. Seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education Rules.
15. Comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice.
16. Cooperate with the Education Practices Commission in monitoring the probation of a subordinate

4. Training. South Tech shall provide mandatory training for its employees on the requirements of this policy.

5. Duty to Report. All employees of South Tech have an affirmative duty to report all cases of a suspected violation of this policy. In particular, all employees must report misconduct by other school personnel (including instructional personnel and school administrators) which affects the health, safety, or welfare of a student. Any person acting in good faith in the reporting of any instance of child abuse, abandonment or neglect shall be immune from any civil or criminal liability which might otherwise result by reason of such action.

6. Procedure for Reporting. Employees who are aware of or who observe misconduct must report it immediately to the Academy President or Management Company Representative. All South Tech Academy employees who know or have reasonable cause to suspect that a child is an abused, abandoned, or neglected child shall immediately report such knowledge or suspicion to the Department of Children and

Families' Florida 24 Hour Abuse Hotline (1-800-96 ABUSE), and notify the Academy President or Management Company Representative, immediately thereafter. If an employee becomes aware of or suspects that the school president is engaging in misconduct, the Employee should immediately report the misconduct to the Chair of the Board of Directors. Employees are urged to document the activities or details of the event.

7. Reporting of Misconduct of Former Employees and Liability.

1. South Tech may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators (or those who resign in lieu of termination), based in whole or in part on misconduct that affects the health, safety or welfare of a student.
2. South Tech may not provide instructional personnel or school administrators with employment references or discuss the personnel's or administrator's performance with prospective employers in another educational setting without disclosing the former employee's misconduct.
3. Under the provisions of §768.095, F.S., if the Academy President or Management Company Representative, (or designee) discloses information about a former or current employee to the employee's prospective employer upon the request of the prospective employer, South Tech shall be immune from civil liability for such disclosure or its consequences unless it is shown by clear and convincing evidence that the information disclosed by South Tech was knowingly false or violated any civil right of the former or current employee.

Authority:	39.201-39.206, 1012.315,F.S.
Implementation:	S. B. 1712, 39.201), F.S., 6B-1.001, 6B-1006
History:	New: 12/11/08; Revised : 3/11/10 ; 4/14/11
Reference:	Palm Beach School District Policy 5.30

EQUAL OPPORTUNITY AND NONDISCRIMINATION POLICY

Page 1 of 2

1. It is the policy of the South Tech Charter Academy, Inc. Governing Board, hereafter referred to as the Board, to prohibit discrimination on the basis of religion, race, ethnicity, national origin, color, sex, marital status, age, parental status, or disability in all employment practices. Employment practices include, but are not limited to, the recruitment, hiring, compensation, assignment, training, evaluation, promotion, demotion, discipline or dismissal of employees.
2. The Nondiscrimination statement: "South Tech Charter Academy, Inc. prohibits discrimination against students, employees, and applicants on the basis of religion, race, ethnicity, national origin, color, sex, marital status, age, parental status, or disability in all employment practices, programs, services or activities. For questions contact 561-369-7003" will appear on all employment correspondence and forms.
3. The Board is committed to the principle of fostering diversity in order to enrich the educational experiences of all students through exposure to adults of both sexes, from many racial, ethnic backgrounds and national origins, thereby providing educational settings that promote an understanding of diversity and contribute to the quality exchange of ideas inherent in the educational setting.
4. To assist the Board in monitoring implementation of this policy, the Academy President or Management Company Representative/designee shall maintain records and shall submit to the Board an annual report. The report shall include:
 - a. The composition of the entire workforce, in accordance with U.S. Equal Employment Opportunity Commission ("EEOC") Guidelines found in 29 Code of Federal Regulations ("CFR") 1607.
 - b. The composition of the entire workforce, broken down by job category, in accordance with EEOC Guidelines.
 - c. The composition of the group of employees, who were promoted, in accordance with EEOC Guidelines.
5. Maintenance of Records. States are required to report aggregated data to the U.S. Department of Education based on the following categories: Hispanic/Latino of any race; American Indian or Alaskan native, Asian, Black or African-American, Native Hawaiian or other Pacific Islanders, White, and two or more races. The President or Management Company Representative shall maintain records consistent with the requirements of the U.S. Department of Education.
6. Upon receipt of the above data, the Board may authorize an outside consultant to conduct a disparity study to determine if there is any statistically significant under- representation in specific job categories on the basis of race, ethnicity, national origin or sex and that may suggest that employment practices adversely affect the current employment opportunities of these individuals and, further, to identify any job opportunity barriers that may exist. Based on this study, the President or Management Company Representative shall develop any strategies necessary for improving school performance.
7. Grievance Procedure for Filing Complaints of Discrimination as Defined in Section 1:
 - a. The President or Management Company Representative, Secondary School Principal, assistant principals, and all other administrators/managers/departments heads are responsible for assuring that no employee is subjected to conduct that constitutes discrimination as defined in Section 1 herein.
 - b. Any employee, who believes that he/she has been the subject of discrimination as defined in Section 1 herein by anyone under the Board's oversight or by anyone who does business with the School, is encouraged to bring the matter to the attention of his/her supervisor or to the President or Management Company Representative's designee for equal employment opportunity pursuant to procedures outlined in Policy 3.31.
 - c. Any employee who is aware of behavior toward another employee which they feel may constitute discrimination as defined in Section 1 herein shall also report the matter to their

EQUAL OPPORTUNITY AND NONDISCRIMINATION POLICY

supervisor or the President or Management Company Representative's designee for equal employment opportunity, at Academy President or Management Company Representative, South Tech Charter Academy, Inc., 1300 SW 30th Avenue, Boynton Beach, FL 33426.

- d. If warranted, a prompt and thorough investigation of the alleged discrimination will be conducted and appropriate corrective action will be taken. Complaints of discrimination will be treated as confidential throughout the investigation. Once the investigation is completed, confidentiality shall be defined concurrent with applicable state and federal laws.
- e. Any individual found to have engaged in discrimination as defined in Section 1 herein will be disciplined up to and including termination.
- f. Retribution against anyone for reporting a claim of harassment, or for cooperating in the investigation thereof, will result in appropriate discipline up to and including termination. Incidents of retribution shall be reported in the manner stated above.

Authority: §§ 230.22(2); 230.23(17), (22); 230.23005, Fla. Stat.

Implemented: 29 U.S.C. § 621, et. seq.; 42 U.S.C. § 12101 et. seq.; Title VII, 42 U.S.C. § 2000e et. seq.; § 230.23(5); § 760.02, et. seq., Fla. Stat

History: New: 7/01/2004; Revised: 7/07/2005; 7/10/2008; 11/06/2008; 3/11/2010; 4/14/2011

Reference: Palm Beach School District Policy 3.05

POLICY CONCERNING PERSONS WITH A DISABILITY AND PROCEDURES FOR ACCOMMODATION

Page 1 of 4

It is the policy of the South Tech Charter Academy, Inc. Governing Board, hereafter referred to as the Board, that it shall not discriminate against a qualified individual with a disability because of the disability of such individual, in regard to job application procedures, hiring, advancement, discharge, compensation, job training, or other terms, conditions, or privileges of employment, in accordance with the Americans with Disabilities Act of 1990 (ADA). The Board shall provide reasonable accommodation to a qualified individual, when necessary, to enable the individual to perform the essential functions of the position unless such reasonable accommodation would pose an undue hardship on the operation of the School's business.

DEFINITIONS

1. Qualified individual with a disability: An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
2. Disability is defined as one or more of the following: A physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment.
3. Physical or mental impairment: Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems neurological, musculoskeletal special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine, or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
 - a. Existing impairments are to be determined without regard to mitigating measures such as medicines or prosthetics (e.g., epileptic using seizure control medicines, or deaf using hearing aid).
 - b. Physical characteristics (i.e., height, weight, muscle tone or other characteristics) that are within a normal range and are not the result of a physiological disorder are not impairments. Personality traits such as poor judgment or a quick temper are not impairments, if not symptomatic of a mental or psychological disorder. Pregnancy is not impairment under this policy.
4. Substantially limits: Causes inability to perform a major life activity that the average person in the general population can perform; or significantly restricts the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity. Factors to be considered include:
 - a. The nature and severity of the impairment;
 - b. The duration or expected duration of the impairment; and
 - c. The permanent or long term impact, or the expected permanent or long term impact of or resulting from the impairment.
5. Major life activities: Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, sitting, standing, lifting, reaching or reading.
6. Essential functions: Capabilities required to perform the fundamental job duties for the employment position the individual with a disability holds or desires. A function may be essential if:
 - a. The reason the position exists is to perform that function;
 - b. There is a limited number of employees available among whom the performance of that job function can be distributed; and/or

POLICY CONCERNING PERSONS WITH A DISABILITY AND PROCEDURES FOR ACCOMMODATION

Page 2 of 4

- c. The function is highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function;
 - d. Supervisor's assessment of what elements are crucial to the adequate discharge of the job;
 - e. Pre-employment written job descriptions;
 - f. The amount of time on the job spent performing the function;
 - g. The consequences to the department of not having the employee perform the function;
 - h. The terms of a collective bargaining agreement;
 - i. The work experience of past holders of the position;
 - j. The work experience of incumbent employees in a similar position.
7. Direct threat: A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.
8. Reasonable accommodation: Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of the position; or modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities. Reasonable accommodation may include:
- a. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities;
 - b. Job restructuring;
 - c. Part-time or modified work schedules;
 - d. Effect on expenses;
 - e. Effect on resources;
 - f. Impact on the operation of the facility (beyond resource and expense);
 - g. Overall financial resources of the School;
 - h. Number of employees potentially benefiting from an accommodation and the availability of sufficient funding to defray an accommodation's cost.

ACCOMMODATION PROCEDURE: A person with a disability who is in need of an accommodation may contact, by telephone or in person, the Academy President or Management Company Representative or designee and/or complete the attached REQUEST for ACCOMMODATION and submit it to the Academy President or Management Company Representative, at the following address:

Academy President or Management Company Representative
South Tech Charter Academy, Inc.
1300 SW 30th Avenue
Boynton Beach, FL 33426

Once a request has been received, the President or Management Company Representative shall schedule a meeting with the employee requesting accommodations to discuss how such accommodations will assist the employee in performing the essential functions of his/her job. If necessary to verify the medical need for an accommodation and/or possible effectiveness of request accommodations, a letter shall be sent to the employee's health care provider, with a signed **AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION**. After the meeting and receipt of all relevant documentation, a determination shall be made by the President or Management Company Representative/designee as to whether the individual is a qualified individual with a disability for which reasonable accommodation shall be provided. The Board reserves the right to require that the requesting individual be examined by a physician designated by the Board, at the Board's expense, to verify the health care provider's report.

If the individual is dissatisfied with the determination, the individual may file an appeal in accordance with the applicable grievance procedure.

POLICY CONCERNING PERSONS WITH A DISABILITY AND PROCEDURES FOR ACCOMMODATION

Page 3 of 4

Any supervisor who becomes aware of an employee's possible need for accommodation is encouraged to consult with the President or Management Company Representative. No accommodation for a disability, as defined in this policy in accordance with the Americans with Disabilities Act (ADA), shall be provided without the approval of the President or Management Company Representative.

Questions regarding this policy should be directed to the principal at 369-7011.

Authority: Sections 230.23; 230.33, Florida Statutes

Reference: 42 USC § 12101, et seq; 29 USC § 1630, et seq

History; New: 7/01/2004; Revised: 7/07/2005, 3/11/2010

Reference: Palm Beach School District Policy 3.06

NOTE: POLICY AND DIRECTIVES ARE ALL-INCLUSIVE IN THIS POLICY

AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS

I, _____ hereby authorize all of my health care providers to release a full and complete file of my medical records to the School District and/or South Tech Charter Academy, Inc. of Palm Beach County, Florida.

Signature

Date

AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS

I, _____ hereby authorize all of my health care providers to release a full and complete file of my medical records to the School District and/or South Tech Charter Academy, Inc. of Palm Beach County, Florida.

Signature

Date

POLICY CONCERNING PERSONS WITH A DISABILITY AND PROCEDURES FOR ACCOMMODATION

Page 4 of 4

REQUEST FOR ACCOMODATION

Name: _____

Phone Number (Home) _____ (Work) _____

Home Address: _____

Social Security Number: _____

Work Location: _____

Description of the disability (please refer to Policy definition):

Date that disability occurred:

Description of specific on-the-job duties or other job-related activities the disability prevents you from performing:

Description of all accommodations which you feel would allow you to perform the essential functions of your job:

Listing of all relevant health care providers, including names, office addresses, and telephone numbers:

CONDITIONS OF EMPLOYMENT

All applicants who are recommended for employment shall be required to comply with all procedures adopted by the South Tech Charter Academy, Inc. Board, hereafter referred to as the Board, in order to be eligible for employment South Tech Charter Academy, Inc. Such procedures shall include, but shall not be limited to:

1. Completion of forms required by federal and state agencies and the Board;
2. Completion of forms related to the employee benefits package; and
3. Pre-employment physical examination:
 - a. The pre-employment medical examinations required in 3.10 shall be administered for the following purposes:
 - (1.) To determine whether an applicant meets the physical requirements of the position for which the applicant has applied. If the results of the examination indicate that the applicant is not able to safely or fully perform the duties of the position and reasonable accommodations cannot be made, then the applicant shall be so advised. An applicant may reapply for a similar position, subject to another pre-employment medical examination, when the applicant's condition improves to the extent that the applicant meets the physical requirements of the position or reasonable accommodations can be made. An applicant who is determined medically unsuitable to perform a particular position is not prohibited from applying for other positions for which the applicant may be qualified if the applicant meets the safety and performance requirements of the other positions.
 - (2.) To determine whether an applicant is a user of illegal drugs that may affect performance.
 - (3.) For the purposes of this Policy, drugs shall mean "Controlled Substance" as defined in accordance with Chapter 893, Florida Statutes.
 - (4.) Initial positive drug results will require a confirmation test. If the confirmation test supports the initial positive findings, these findings will be reviewed with the applicant. The applicant will not be eligible for employment.
 - (5.) Applicants for employment who refuse a pre-employment medical examination or who test positive for drugs shall not be medically released for employment in any position.
 - (6.) Pre-employment medical examination results are confidential and are not to be disclosed except to the extent required by law.
 - b. School District of Palm Beach County employees on leave to work for the Board and that elect to remain on the District insurance plan shall not be required to comply with a pre-employment physical examination.
 - c. Potential Board employees not on leave from the School District of Palm Beach County, including former employees of the District who have had a break in service and are no longer eligible for health insurance coverage with the District, must complete a pre-employment examination and receive medical clearance from professionals selected by the Board. The medical examination may consist of a physical examination and/or testing for potentially impairing, disabling, communicable and terminal diseases or conditions including, but not limited to, tuberculosis and other pulmonary diseases, carcinoma, acquired immune deficiency syndrome, diabetes, hypertension, anemia, cardiovascular diseases, muscular skeletal diseases or disorders, hearing and visual impairments, mental or nervous disorders, alcoholism and drug abuse.

Disabled applicants shall be considered for employment if they are qualified and meet the safety and performance requirements of the position.

Authority: 120.53, 230.22(1), 231.001, F.S.

Implemented: 230.23(5), F.S.

History: New: 7/01/2004; Revised: 7/07/2005; **Revised: 6/09/2011**

Reference: Palm Beach School District Policy 3.10, **STA Repealed Policy 3.11 (Included)**

CONDITIONS OF EMPLOYMENT

New Hire Check List:

- ___ Employment Application
- ___ W-4 Employee Withholding Allowance Certification
- ___ Employment Eligibility Verification Form
- ___ Copy of Drivers License or documents that establish identity
- ___ Copy of acceptable document that established Employment Eligibility
- ___ Payroll Direct Deposit Authorization
- ___ Self-Reporting of New Arrests and Convictions Affidavit
- ___ Employment Acknowledgement Agreement for a Drug Free Workplace
- ___ Medical Questionnaire
- ___ Life Insurance Application
- ___ Health Insurance Application
- ___ Dental Insurance Application
- ___ 403b Approved Vendor List
- ___ Long & Short Disability Application
- ___ Aflac Application
- ___ Charter School Authorization Form
- ___ Application for Background Check
- ___ Application for Security Check
- ___ Drug Screening Form

Employee Signature

Date

PRE-EMPLOYMENT MEDICAL EXAMINATIONS

1. The pre-employment medical examinations required in 3.10 shall be administered for the following purposes:
 - a. To determine whether an applicant meets the physical requirements of the position for which the applicant has applied. If the results of the examination indicate that the applicant is not able to safely or fully perform the duties of the position and reasonable accommodations cannot be made, then the applicant shall be so advised. An applicant may reapply for a similar position, subject to another pre-employment medical examination, when the applicant's condition improves to the extent that the applicant meets the physical requirements of the position or reasonable accommodations can be made. An applicant who is determined medically unsuitable to perform a particular position is not prohibited from applying for other positions for which the applicant may be qualified if the applicant meets the safety and performance requirements of the other positions.
 - b. To determine whether an applicant is a user of drugs that are illegal and/or may affect performance.
2. For the purposes of this Policy, drugs shall mean "Controlled Substance" as defined in accordance with Chapter 893, Florida Statutes.
3. Initial positive drug results will require a confirmation test. If the confirmation test supports the initial positive findings, these findings will be reviewed with the applicant. The applicant will not be eligible for employment.
4. Applicants for employment who refuse a pre-employment medical examination or who test positive for drugs shall not be medically released for employment in any position.
5. Pre-employment medical examination results are confidential and are not to be disclosed except to the extent required by law.

Authority: 120.53, 230.22(1), 231.001, F.S.

Implemented: 230.23(5), F.S.

History: New: 7/01/2004; Revised:7/07/2005

Reference: Palm Beach School District Policy 3.11

CRIMINAL BACKGROUND CHECKS

Definitions: For the purposes of this policy:

- a. "Prospective Employee" means an applicant who has received an offer of employment.
 - b. "Conviction" means a determination of guilt that is the result of a plea or a trial regardless of whether adjudication is withheld.
1. Any provision of the law notwithstanding, all personnel hired by the South Tech Charter Academy, Inc. Governing Board shall submit to fingerprinting and a criminal background check. A prospective employee who is recommended for hiring shall, as a condition of employment, file a complete set of fingerprints. A designated employee of the School Police Department, School District of Palm Beach County, shall take fingerprints. The prints will be processed pursuant to the requirements of § 231.02(2)(a), Florida Statutes, including a criminal background check to determine if the individual has recorded arrests. The expense for the fingerprinting and background check shall be due and payable to the School District prior to provision of services and shall be borne by the applicant.
 2. A prospective or current employee may be disqualified for, or terminated from, employment for failure to provide accurate information on the application regarding a prior arrest for which a penalty or conviction was received, regardless of adjudication, or if probation was required, or if records were sealed or expunged.
 3. A prospective or current employee may be disqualified or may be terminated from continued employment if the individual has been convicted of a crime classified as a felony or first degree misdemeanor directly related to the position of employment sought, has been convicted of a crime involving moral turpitude, or has been convicted of the offenses enumerated in Chapter 435, Florida Statutes.
 4. Employees newly hired or rehired shall be on a probationary status pending fingerprint processing and determination of compliance with standards for good moral character.
 5. The School District shall establish procedures and set fees for the processing and review of prospective and current employees' prior criminal history compliant with Florida Statutes.
 6. The South Tech Charter Academy, Inc. Governing Board shall publish policy governing the appeal process for employees terminated for a criminal conviction discovered in a criminal background check required by §231.02, Florida Statutes.
 7. All prospective employees shall as a component of the application process submit an affidavit disclosing any prior arrests to the School Personnel Officer. All employees shall annually submit an affidavit of arrest disclosure prior to renewal of their contract. Failure to comply with this section may result in suspension or termination.

Authority: §§ 112.011, 230.22(1), 231.001, 231.02, F.S.

Implemented: §§ 231.02, 230.23(5), F.S.

History: New: 7/01/2004; Revised: 7/07/2005

Reference: Palm Beach School District Policy 3.12

BACKGROUND SCREENING FOR CERTAIN NONINSTRUCTIONAL EMPLOYEES AND CONTRACTORS

Page 1 of 2

Requirements

Effective September 1, 2005, a new law involving District and Academy vendors, and contracted volunteers went into effect. The new law, known as the Jessica Lunsford Act is contained in F.S. 1012.465 and requires all contracted individuals who are permitted access on school grounds when students are present, who will have direct contact with children or any student of the District or Academy, or who will have control of school funds to be fingerprinted and background checked.

All consultants and vendors who meet any of the above criteria shall be fingerprinted by the Palm Beach School District's Police Department providing level 2 FDLE and FBI screening-fingerprinting. The School District's Police Department shall be the sole determiner of clearance. Once cleared, an individual will receive a School District picture badge, identifying they have been cleared through the screening process with an expiration date by which they have to get this screening renewed.

All visitors are directed to sign in at the front office computer. All vendors who meet the above criteria must have a valid School District badge to enter school. Volunteers must be cleared in one of the ways described below:

1. The first category is school-based volunteers who will be required to complete an application on-line at their school and will be screened through the software system. All volunteers who are cleared will be listed on the District-wide database so this process will only be required once per year.
2. The second category is contracted volunteers, which includes such organizations as Junior Achievement, Foster Grandparents, Take Stock in Children, etc. These contracted volunteers will be required to be fingerprinted and background checked as described above for consultants and vendors who meet the criteria.

In addition, all new hires must be fingerprinted and background checked to include, but not limited to the following:

- Administrators
- Substitute teachers
- Temporary employees
- Charter school employees

Florida Statute 1012.465

1. *Non-instructional school district employees or contractual personnel who are permitted access on school grounds when students are present, who have direct contact with students or who have access to or control of school funds must meet level 2 screening requirements as described in F.S. 1012.32. Contractual personnel shall include any vendor, individual, or entity under contract with the school district.*
2. *Every 5 years following employment or entry into a contract in a capacity described in subsection (1), each person who is so employed or under contract with the school district must meet level 2 screening requirements as described in F.S. 1012.32, at which time the school district shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for the level 2 screening. If, for any reason following employment or entry into a contract in a capacity described in subsection (1), the fingerprints of a person who is so employed or under contract with the school district are not retained by the Department of Law Enforcement under F.S. 1012.32(3)(a) and (b), the person must file a complete set of fingerprints with the district school superintendent of the employing or contracting school district.*

BACKGROUND SCREENING FOR CERTAIN NONINSTRUCTIONAL EMPLOYEES AND CONTRACTORS

Page 2 of 2

Upon submission of fingerprints for this purpose, the school district shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for the level 2 screening, and the fingerprints shall be retained by the Department of Law Enforcement under F.S. 1012.32(3)(a) and (b). The cost of the state and federal criminal history check required by level 2 screening may be borne by the district school board, the contractor, or the person fingerprinted. Under penalty of perjury, each person who is employed or under contract in a capacity described in subsection (1) must agree to inform his or her employer or the party with whom he or she is under contract within 48 hours if convicted of any disqualifying offense while he or she is employed or under contract in that capacity.

3. *If it is found that a person who is employed or under contract in a capacity described in subsection (1) does not meet the level 2 requirements, the person shall be immediately suspended from working in that capacity and shall remain suspended until final resolution of any appeals.*

Process:

South Tech Charter Academy, Inc. will follow the process and procedures established by the Sponsor, unless an alternate process is negotiated.

Authority: F.S. 1012.465, 1012.32

Implemented: F.S. 1012.465, 1012.32

History: New: 09/22/2005

SELF-REPORTING OF ARRESTS AND CONVICTIONS BY EMPLOYEES

1. Definitions:

- a. Criminal Traffic Violations include, but are not limited to:
 - i. Leaving the scene of an accident;
 - ii. False information regarding an accident;
 - iii. Operating a motor vehicle without a license or while license is suspended;
 - iv. Driving while under the influence or with an unlawful blood alcohol level;
 - v. Failure to sign or accept a summons;
 - vi. Fleeing and eluding police officers or reckless driving.
- b. Minor Traffic Violations are defined as a non-criminal violation that may require community service hours, under § 316.027(4), Fla. Stat., but is not punishable by incarceration, and for which there is no right to trial by jury or right to court-appointed counsel.

- 2. All South Tech Charter Academy, Inc. Board (STA) employees will self-report in writing with the appropriate documentation any arrests and/or criminal charges, including criminal traffic violations, to the Academy President or Management Company Representative/designee within forty-eight (48) hours of said arrest and/or criminal charges. In addition, all Academy employees shall self-report in writing any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering a plea of guilty, guilty in your best interest, or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment has been entered.
- 3. Only employees who drive STA.-owned, operated or controlled vehicles, or are required to hold a valid driver's license or a commercial driver's license ("CDL") as a condition of employment, are required to report minor traffic violations as per Section 2 above when they occur with any vehicle.
- 4. When handling sealed and expunged court records disclosed pursuant to State Board of Education Rule 6B-1.006(5), the School and district shall comply with the confidentiality provisions of § 943.0585(4)(c) and § 943.059(4)(c), F.S., pertaining to sealed and expunged court records.
- 5. Failure to self-report may result in discipline, up to and including termination from employment.
- 6. The supervisor shall forward a copy of the documentation from the employee regarding violations to the chief personnel officer/designee within twenty-four (24) hours of receipt of the information.

Authority: §§ 230.23(17); 230.23005, Fla. Stat

Implemented: §§ 230.03(2); 230.335(1)(a); 231.001; 231.02; 231.28(1); 435.03-07; Fla. Stat

New: 7/01/2005; Revised: 7/07/2005; 3/11/10

Reference: Palm Beach School District Policy 3.13

APPOINTMENT AND REAPPOINTMENT OF PERSONNEL

1. Vacancies: The Academy President or Management Company Representative shall submit to the Board a nomination to fill any vacancy within a reasonable time after such vacancy occurs.
2. Appointment: The Board may reject for good cause any employee nominated. If the third nomination by the President or Management Company Representative is rejected for good cause, or if the President or Management Company Representative fails to submit a nomination for initial employment within a reasonable time as prescribed by the Board, the Board may proceed on its own motion to fill such position.
3. Reappointment: All employees of the South Tech Charter Academy, Inc. (STA.) shall be appointed on an annual basis to annual employment contracts. The President or Management Company Representative shall annually identify current employees deemed to have performed job duties in a satisfactory manner and considered suitable for continued employment. The President or Management Company Representative shall notify those employees no later than five days prior to April first that they will be nominated to the Board for reappointment for the next school year pending satisfactory student performance on school grade-related indicators in compliance with FS 1012.22. The President or Management Company Representative shall submit nominations for reappointment to the Board as an agenda item not later than 3 weeks following the receipt of FCAT scores and data, including school grades, or June 30, whichever is later, on the President's nominations of supervisors, principals, and members of the instructional staff. Employees non-reappointed shall be notified on or before the agenda submission date.
4. Exception: The exception shall be the President or Management Company Representative, who shall be annually evaluated by the Board. Upon satisfactory evaluation, the duration of the President or Management Company Representative's contract will be determined at the discretion of the Board. In the case of unsatisfactory evaluation, the Board shall determine whether to reappoint the President or Management Company Representative with a corrective, remedial plan, or to terminate and seek other qualified candidates

Authority: §§ 1001.41(2); 1001.43(11); 1012.23(1) Fla. Stat.; 1012.22 (4)(b) Fla Stat.

Implemented: §§ 1001.41(1), (3); 1001.42(5); 1001.51(7); 1012.22(1)(a),(b), Fla. Stat.

History: New: 7/01/2004; Revised: 3/21/2005; 7/07/2005; 3/11/10; 4/12/12

OUT-OF-FIELD TEACHING ASSIGNMENTS

1. The South Tech Academy, Inc. Board will strive to hire highly qualified and certified classroom teachers to support student learning. Compliant with Florida Statutes, the Board may allow teachers to teach outside their areas of certification (out-of-field) when no certified in-field teacher is available. The School District of Palm Beach County is required by F.S. 1002.33 (20) (A) to provide the processing of teacher certificate data services to charter schools. South Tech Academy, Inc. Board will properly report all teachers assigned out-of-field to the District in compliance with District Policy. The Board will also comply with Florida Statutes pertaining to the oversight and monitoring of coursework and testing required of out-of-field teachers to ensure that timelines established by State Board of Education Rules are met. Eligibility to remain in a teaching assignment for the next school year will be determined in accordance with State Board of Education Rules.

Authority: §§ 1001.41(2); 1001.42(22); 1001.43(11); and 1003.62(2), Fla. Stat.

Implemented: §§ 1001.41(1), (3); 1001.42(5); 1003.62(2); and 1002.33 (20) (a), Fla. Stat., and exemption from the timeline under State Board of Education Rule 6A-1.0503(3).

History: New: 7/01/2004; Revised: 7/07/2005

Reference: Palm Beach School District Policy 3.16

POLICY PROHIBITING HARASSMENT

Page 1 of 2

All employees and applicants for employment of the South Tech Charter Academy, Inc. Board have the right to work in an environment free from discrimination and conduct which can be considered harassing or coercive. Therefore, harassment based on race, color, religion, sex, national origin, age, disability or any other characteristic protected by federal and state law, will not be sanctioned or tolerated. All employees and applicants for employment should be aware of the following:

1. SEXUAL HARASSMENT

- a. Sexual harassment is strictly prohibited. Sexual harassment is defined as: "unwelcome" sexual advances, requests for sexual favors, and/or other verbal, written or physical conduct of a sexual nature when:
 - i. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
 - ii. When submission to or rejection of such conduct is used as the basis of employment decisions affecting such individual; or
 - iii. Such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment
- b. Examples of sexual harassment may include, but are not limited to, the following:
 - i. Gestures, letters, notes, invitations, comments, slurs, jokes or epithets that are suggestive, derogatory or obscene;
 - ii. Unwanted physical contact of a sexual nature, sexual molestation or assault, leering with sexual overtones, or impeding or blocking movement;
 - iii. Display of sexually suggestive objects, posters or cartoons;
 - iv. Continuing to express sexual interest after being informed that the interest is unwelcome;
 - v. Offering favors such as employment benefits, promotions, favorable duties or shifts, recommendations, reclassification, etc., in exchange for sexual favors;
 - vi. Coercive sexual behavior used to control, influence, or affect the career, salary, and/or work environment of another employee;
 - vii. Coercive sexual behavior used to imply or withhold support for an appointment, promotion, or change of assignment;
 - viii. Coercive sexual behavior used to suggest that a poor performance report will be given or probation will be failed; or
 - ix. Engaging in a course of conduct which, under § 784.048 Fla. Stat. constitutes the stalking of a staff member, student, chaperone, or parent in the workplace.

2. OTHER HARASSMENT

- a. Harassment on the basis of any other protected characteristic is also strictly prohibited. This includes verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, citizenship or any other characteristic protected by law and that
 - i. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
 - ii. Has the purpose or effect of interfering with an individual's work performance; or
 - iii. Otherwise, adversely affects an individual's employment
- b. Examples of such harassment include the following:
 - i. Epithets, slurs or negative stereotyping;
 - ii. Threatening, intimidating or hostile acts, such as stalking; or
 - iii. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

3. GRIEVANCE PROCEDURE

- a. Administrators are responsible for assuring that no employee is subjected to conduct that constitutes sexual or any other form of harassment.

POLICY PROHIBITING HARASSMENT

Page 2 of 2

- b. Any employee, who believes that he or she has been the subject of sexual or any other form of harassment by anyone at the school or by any person who does business with the School, should, and is encouraged to, bring the matter to the attention of the Academy President or Management Company Representative/designee. Any employee who is aware of behavior toward another employee that may constitute sexual or any other form of harassment shall also report the matter to the President or Management Company Representative/designee.
- c. A prompt and thorough investigation of the alleged incident will be conducted and appropriate corrective action will be taken, if warranted. To the extent consistent with adequate investigation and appropriate corrective action, any complaints of harassment will be treated as confidential throughout the investigation. Once the investigation is completed, the applicable laws shall determine confidentiality. A person alleging that they are a victim of sexual harassment may request that their records remain confidential as specified in Florida Statute § 119.07(3)(u)
- d. Any individual found to have engaged in sexual or any other form of harassment will be disciplined as appropriate, up to and including termination. Individuals receiving action under this section may appeal such action in accordance with the appropriate grievance procedure or administrative process.
- e. The School will not in any way retaliate against an employee, potential employee or former employee who, in good faith, makes a complaint or report of harassment, or participates in the investigation of such a complaint or report. Retaliation against any individual for good faith reporting of a claim of harassment or cooperating in the investigation will not be tolerated and will itself be subject to appropriate discipline. Incidents of retaliation shall be reported in the manner discussed in Section 3 (b) of this policy.
- f. The Board will take all appropriate steps to enforce this policy.
- g. All employees must file the grievance pursuant to the procedure in Section 3 of this policy. The exception is the Academy President or Management Company Representative, who must file the grievance/complaint with the Board Chair.

Authority: §§ 230.22(2); 230.23(17), (22); 230.23005, Fla. Stat.

Implemented: 42 U.S.C. § 2000e and 20 U.S.C. § 1681

History: New: 7/01/2004; Revised: 7/07/2005; 3/11/2010

Reference: Palm Beach School Board Policy 3.19

RESIGNATION AND TERMINATION FROM EMPLOYMENT

Page 1 of 3

1. **Resignation** - During the employment period, if an employee seeks to resign, the employee shall complete the relevant portions of the Employee Resignation/Termination form and submit the form to the Academy President or Management Company Representative for signature. The form is available in the South Tech Personnel Office and is incorporated herein. Each such resignation shall be subject to the approval or disapproval of the South Tech Charter Academy, Inc. Board (hereafter referred to as the Board).
 - a. All resignations shall be filed with the President or Management Company Representative no later than ten working days prior to the proposed effective date of the resignation. Failure to give the prescribed notice may be cause for disapproval of the resignation. The President or Management Company Representative, however, upon good cause shown, may recommend waiver of the prescribed notice dependent upon needs of the Academy.
 - b. The effective date of any resignation shall be as follows: either (a) the last duty day the employee is physically on duty unless the employee is by necessity required to resign while on sick leave or authorized extended leave approved by the Board; or (b) the date noticed through personnel memorandum if the employee failed to respond to a ten (10) day report to work letter.
 - c. All fulltime personnel are on annual appointment, and will be given the opportunity to file a notice of intent to continue employment for the next school year, or to terminate employment at the end of the contract period. Individuals on charter school leave from the Palm Beach County School District that desire to return to District employment shall file a notice of intent to terminate at the end of the contract period no later than April 1 of the current school year. Charter school leave employees of the District that desire to continue employment with the Board shall comply with the charter school leave renewal procedure of the District or resign from the District. Employees of the Board not on charter school leave from the District are not eligible for return to the District.
 - d. Prior to Board action to accept the voluntary resignation, the President or Management Company Representative shall indicate a recommendation to the Board.
 - e. **Instructional Personnel** – Should instructional personnel, as defined in Fla. Stat. § 1012.01(2), terminate employment without the expressed approval of the Board, the employee shall be subject to the disciplinary process of the Educational Practices commission. In view of the possible consequences, any employee subject to this policy should assure, before leaving a position, that the Board has accepted or will accept the resignation.
2. **Termination of Interim Employee** – Employees who are employed on an interim basis may be terminated prior to the close of the interim employment period upon three (3) days written notice prior to the actual date of termination. The Principal or Department Head shall complete the relevant portions of the Employee Resignation/Termination form, which is referenced above.
3. **Termination of temporary Employee** – Temporary employees, who have no expectation of continuous employment with South Tech Charter Academy, Inc., may be terminated at any time during employment. The Principal or Department Head shall complete the relevant portions of the Employee Resignation/Termination form, which is referenced above.
4. **Terminal Pay for Unused Sick Leave**
 - a. Personnel shall receive a terminal retirement benefit for unused sick leave. Employees under Fla. Stat. § 1012.61(2)4 or § 1012.61(2)5 who retire, and the beneficiary(ies) of such personnel whose employment is terminated by death, shall receive payment for accrued sick leave days at their daily rate, at the time of such retirement or death, multiplied by the maximum applicable percentage allowable under Fla. Stat. § 1012.61(2)4, or at the maximum amount allowable under § 1012.61(2)5, as applicable
 - b. For payout percentage purposes, years of service will be based on years of participation in the Florida Retirement system (FRS).

RESIGNATION AND TERMINATION FROM EMPLOYMENT

Page 2 of 3

5. Unused Annual Leave

- a. Upon employment termination, Non Administrative 12 Month Employees shall be paid for all unused annual leave as terminal leave pay up to a maximum of 480 hours (60 work days).
- b. Administrative Employees who accrue annual time will not receive payment of annual leave. Annual leave hours may accrue and roll over from year to year up to a maximum of 400 hours per year. These hours are on a “use it or lose it” basis

Authority: Fla. Stat. §§ 1001.32(2), 1001.41(1)(2), 1001.42(5)(23), 1001.43(11)

Implemented: Fla. Stat. §§ 1012.22(1)(2), 1012.23(1), 1012.61

History: New: 7/01/2004; Revised: 7/07/2005, 3/06/2008, 3/11/2010

Reference: Palm Beach School District Policy 3.20

RESIGNATION AND TERMINATION FROM EMPLOYMENT

Page 3 of 3

**South Tech Charter Academy, Inc., Inc.
Employee Resignation/Termination Form**

The purpose of this form is to document the reason for employee resignation or termination. This form can be used in addition to a resignation letter. All employees who are resigning or terminating their employment with South Tech Charter Academy, Inc. should complete the employee information, Section I, II and V. Teachers should also complete Section III. Section IV is completed by the principal or department head for employees who leave the school involuntarily as well as Section V.

NAME		EMPLOYEE ID #	
POSITION		EFFECTIVE DATE OF SEPARATION	

SECTION I - VOLUNTARY RESIGNATION

This section is completed by the employee who is voluntarily resigning from employment. This form can replace a resignation letter. Check one only.

- | | |
|---|---|
| <input type="checkbox"/> Lack of opportunity for advancement | <input type="checkbox"/> End of temporary assignment |
| <input type="checkbox"/> Resignation after a leave of absence | <input type="checkbox"/> Inadequate benefits |
| <input type="checkbox"/> Relocation | <input type="checkbox"/> Inadequate salary |
| <input type="checkbox"/> Dissatisfaction with supervisor | <input type="checkbox"/> Disliked or unsuitable for assigned duties |
| <input type="checkbox"/> Return to continuing education | <input type="checkbox"/> Family / personal reasons |
| <input type="checkbox"/> Stress on job | <input type="checkbox"/> Resignation in lieu of involuntary termination |
| <input type="checkbox"/> During probationary period | |
| <input type="checkbox"/> Other (specify) _____ | |

SECTION II - METHOD OF PAYMENT FOR SICK LEAVE ACCRUAL

Employee accrued, unused sick leave hours will be paid to employees per Board policy. Only eligible employees will receive payment. All employees must select one of the following:

- | | |
|---|--|
| <input type="checkbox"/> Receive payout of accrued sick leave hours | <input type="checkbox"/> Return payout to the district to be kept for future use or payout |
|---|--|

SECTION III - TEACHERS ONLY

This section is completed by teachers regarding future employment plans. Choose one only.

- | | |
|--|--|
| Accepted another teaching position - | Accepted a position other than teaching or in the field of education - |
| <input type="checkbox"/> at a nonpublic school within the district | <input type="checkbox"/> at a nonpublic school within the district |
| <input type="checkbox"/> within another district in Florida | <input type="checkbox"/> within another district in Florida |
| <input type="checkbox"/> outside the State of Florida | <input type="checkbox"/> outside the State of Florida |
| Accepted another position in the field of education - | Other - |
| <input type="checkbox"/> at a nonpublic school within the district | <input type="checkbox"/> have not accepted employment elsewhere |
| <input type="checkbox"/> within another district in Florida | <input type="checkbox"/> decline to disclose future plans |
| <input type="checkbox"/> outside the State of Florida | |

SECTION IV - INVOLUNTARY TERMINATION

This section is completed by the principal or department head for employees who are involuntarily terminated from their position. The principal/ department head chooses one reason only.

- | | |
|--|---|
| <input type="checkbox"/> Probationary position ended | <input type="checkbox"/> Reduction in force |
| <input type="checkbox"/> Interim position ended | <input type="checkbox"/> Temporary position ended |
| <input type="checkbox"/> Non-reappointment | <input type="checkbox"/> Failed to pass hiring requirements |

RESIGNATION AND TERMINATION FROM EMPLOYMENT

SECTION V - REQUIRED SIGNATURES

Employee

Date

Principal/Department Head

Date

SAFE OPERATION OF BOARD SCHOOL BUSES

1. Employees are required to safely drive all South Tech Charter Academy, Inc. Board school buses, as defined by §§ 234.051, 316.003(45), Fla. Stat., or 49 C.F.R. Part 571.3, which are owned, leased, or rented by, or on loan to, the Board.
2. All employees who drive a Board school bus shall maintain a valid commercial driver's license, with passenger endorsement, and comply with the requirements of State Board of Education rule 6A-3.0141.
3. All employees who drive a school bus must maintain a Florida Department of Highway Safety and Motor Vehicles driving record free of any conviction for a moving violation that may result, or has resulted, in the suspension of driving privileges.
4. Any employee who knowingly operates a Board school bus with a suspended or revoked license shall be subject to disciplinary action including termination.
5. If the employee receives more than one (1) conviction for a moving violation, as defined in any section of Chapter 316, F.S., in any calendar year, the employee may be subject to disciplinary action up to and including termination.
6. An applicant for the position of school bus driver will not be hired if driver the applicant's history record contains either a plea of guilty or nolo contendere or an adjudication of guilt within the preceding seven (7) years for one or more of the following crimes:
 - a. Driving under the influence of alcoholic beverages, chemical substances or controlled substances, or with unlawful blood alcohol levels;
 - b. Leaving the scene of an accident where there was an injury and/or property damage exceeding (\$500);
 - c. Reckless driving resulting in an accident; or
 - d. Fleeing or attempting to elude a police officer.
7. An employee found to have been convicted of a crime involving moral turpitude shall not be employed as a school bus driver.
8. Employees who operate a Board bus during the performance of their regular duties and who plead nolo contendere or guilty, or who are found guilty, of committing any of the crimes listed in Section F of this policy, will be subject to disciplinary action up to and including termination.
9. All school bus drivers shall be subject to the federal substance abuse testing and alcohol detection program requirements of 49 C.F.R. Parts 40, 382 and 391, and the physical standards and examinations set forth in state board of education rule 6A-3.0151.
10. School bus drivers shall always drive the bus at a safe speed and never in excess of the legally posted speed limit in business or residential districts, and never in excess of fifty- five (55) miles per hour outside of business or residential districts.
11. School bus drivers shall not carry any firearm while on school board property, including a Board vehicle.
12. A driver shall not use or be under the influence of alcohol or any other substance, including prescription or non-prescription medication, which may impair the driver's alertness or performance while on duty.
13. All employees who operate a Board school bus shall have the responsibility to study and observe all laws and state board of education rules relating to the safe operation of school buses, including rule 6-3.017(2)(e)3.a-z, F.A.C.

Authority: §§ 230.22(2); 230.23(5)&(8); 231.001, Fla. Stat.

Implemented: §§ 230.23(5); 230.33(7); 234.101; 231.02(2)(a); 234.02; 322.03; Fla. Stat.

SBE Rules: 6-3.017; 6A-3.0141; 6A-3.0151

Code of Federal
Regulations: 49 C.F.R. Parts 40, 382, 391

History: New: 7/01/2004; Revised: 7/07/2005

Reference: Palm Beach School District Policy 3.21

PERSONNEL INVESTIGATIONS AND PROBABLE CAUSE DETERMINATION

1. The Academy President or Management Company Representative may authorize and conduct personnel investigations as may be necessary. Any complaint and any material relating to a personnel investigation shall be confidential until the conclusion of the investigation or until such time as the investigation ceases to be active. The President or Management Company Representative shall determine if there is probable cause to proceed further and recommend to the Board that disciplinary action be taken, based upon the findings of the investigation.
2. An investigation or determination of probable cause is a non-adversarial function to discover or procure evidence as part of the fact-finding functions of the Board and President or Management Company Representative. The President or Management Company Representative need not have an administrative complaint pending to conduct a personnel investigation or make such determination that sufficient probable cause exists to recommend suspension or termination to the Board.
3. Investigations of District personnel on leave to work for the Charter school who may be guilty of ethical, moral, or criminal infractions shall be reported to the Professional Standards Department of the School Board and to the appropriate regulatory authority.

Authority: 120.53, 230.22, 231.001, FS

Implemented: 230.23(5), 230.33(7), FS

History: New: 7/01/2004; Revised: 7/07/2005, 3/11/2010

Reference: Palm Beach School Board Policy 3.25

POSSESSION OF FIREARM BY A CHARTER SCHOOL EMPLOYEE/CONTRACTOR/VISITOR ON SCHOOL DISTRICT PROPERTY

South Tech Charter Academy, Inc.'s campus is located on Palm Beach County School District property. As such, the school is subject to Florida Statutes and School District policy relating to possession of a firearm on School District property. The following is a verbatim quote of School Board Policy 6Gx50-**3.26**.

1. It is the intent of this Policy to clearly state that possession of firearms will not be tolerated on School District property.
2. Definitions:
 - a. "Firearm" means any weapon (including a starter gun or antique firearm) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon, any destructive device; or any machine gun.
 - b. "Independent Contractor" means any person or company other than a School District employee, who provides goods and/or services to the School District and enters into a contracted agreement with the School District.
 - c. "Employee" means any person hired by the School District after completing the personnel procedures required by the School District.
 - d. "Visitor" means any business or personal invitee including, but not limited to, parents, volunteers, family members of School District employees or friends of School District employees.
3. No person may possess or bring a firearm on School District property. Employees who possess or bring a firearm on School District property shall be terminated.
4. No person who has a firearm in their vehicle may park their vehicle on School District property. Employees who park on School District property, with a firearm in their vehicle will be subject to disciplinary action up to and including termination.
5. All Contract Agreements with Independent Contractors shall provide that if any employee of an Independent Contractor or Sub-Contractor is found to have brought a firearm on School District property, said employee will be terminated from the School District project by the Independent Contractor or the Sub-Contractor. If the Sub-Contractor fails to terminate said employee, the Sub-Contractor's Agreement with the Independent Contractor for the School District project shall be terminated. If the Independent Contractor fails to terminate said employee or fails to terminate the Agreement with the Sub-Contractor who fails to terminate said employee, the Independent Contractor's Agreement with the School District shall be terminated.
6. Except to the extent allowed by law, any visitor found to have brought a firearm on School District property shall be notified that all subsequent visits to School District property will be by appointment only, and that visits without prior appointment may result in a criminal action for trespass.
7. This Policy does not apply to any Law Enforcement Officer as defined in Section 943.10(1), (2), (3), (4), (6), (7), (8), (9), or (14), Florida State Statutes or any other employee/contractor or vendor who is required as part of his/her regular job responsibilities with the School District to carry a firearm as approved by the Superintendent or his/her Designee.

Authority: 230.03(2); 230.22(1), (2), (3), (4); 790.115(3), Florida Statutes

Implemented: 230.03(2); 230.22(1), (2), (3), (4); 790.115(3), Florida Statutes

History: New: 7/01/2004; Revised: 7/07/2005

Reference: Palm Beach School District Policy 3.26

Board Policy **3.27 SUSPENSION AND DISMISSAL OF EMPLOYEES**

The purpose of this section is to outline the rules regarding the suspension and dismissal of employees.

1. Probationary Period: All employees will serve a seventy-five working day probationary period. During this time an employee may be terminated without cause or resign without breach of contract. If an employee on personal charter leave from the School District of Palm Beach County is terminated during the probationary period, the employee will be responsible for reactivating their employment with the Palm Beach County School District by following district procedures.

2. Annual Contract: All appointments will be on an annual basis. Any instructional personnel with an annual contract may be suspended or dismissed at any time during the term of the contract for just cause. Just cause includes, but is not limited to: immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.

If it is necessary to discipline, suspend, or dismiss an employee during the term of the annual appointment, the following procedure will be utilized:

a. Disciplinary Action:

- i. Any information that may be used to take action against an employee will be shared with the employee in writing as soon as possible.
- ii. An employee against whom action is pending shall have the right to review and refute all information used as the basis for the proposed disciplinary action prior to such action being taken. If the employee wishes to contest the charges, he or she must, within 15 days after receipt of the written notice, submit a written request for a hearing to the governing board. If the charges are not sustained, the employee shall be immediately reinstated and his or her back pay shall be paid.
- iii. Where just cause warrants such disciplinary action(s), an employee may be reprimanded verbally, reprimanded in writing, suspended with pay, suspended without pay or dismissal upon the recommendation of the President or Management Company Representative to the Chairman of the Board.

b. Competency:

Should an employee be determined to be ineffective in their job performance, the employee will be given assistance for a period of thirty calendar days. If their performance fails to improve, the Academy President or Management Company Representative may recommend termination of employment to the Chairman of the Board.

c. Budget Adjustment:

Employees may be terminated due to unforeseen financial difficulties of the school irrespective of employee performance.

3. District Employees on Leave to Work at a Charter School: An employee on leave from the School District of Palm Beach County who is terminated through either the disciplinary, competency, or budget adjustment process will be responsible for reactivating their employment with the Palm Beach County School District through district procedures.

Page 2 of 2

Authority: 1002.33, FS 1012.335

Implemented: 1002.33

History: New: 7/01/2004; Revised: 7/07/2005, 3/11/2010, 4/14/2011, 4/12/2012

Reference: Palm Beach School Board Policy 3.27; FS 1012.335

ADVERSE PERSONNEL ACTION AGAINST EMPLOYEE/INDEPENDENT CONTRACTOR

1. This Policy shall be known and may be cited as the "Whistleblower's Policy."
2. Definitions:
 - a. "Employee" means any person hired by the Board after completing the personnel procedures required by the School Board;
 - b. "Independent Contractor" means any person or company other than a Board employee, who provides goods and/or services to the School Board and enters into a contractual agreement with the Board;
 - c. "Adverse personnel action" means discharge, suspension, transfer, demotion, reprimand, warning, withholding or reduction of salary or benefits of employee, or any other adverse action taken against an employee within the terms and conditions of employment by the Board; or, debarment, suspension, cancellation of contract of an independent contractor.
3. Neither the Board, Academy President or Management Company Representative, nor any person serving in a supervisory capacity shall take or recommend to the School Board to take adverse personnel actions against an employee for disclosing information pursuant to the provisions of this policy.
4. Neither the President or Management Company Representative nor the School Board shall take any adverse personnel action that affects the rights or interests of an independent contractor in retaliation for the contractor's disclosure of the information under this policy.
5. The provisions of this policy shall not be applicable when an employee or independent contractor discloses information known to be false.
6. The information disclosed under this section shall include reporting of any violation or suspected violation of federal, state or local laws, Board policy or Administrator's Directive by a Board member, employee, or independent contractor which presents a substantial and specific danger to interests of the Board. Additionally, information disclosed, which indicates acts or suspected acts of malfeasance, misfeasance, gross waste of funds or neglect of duty committed by an agency shall be included.
7. The information shall be disclosed to the appropriate entity having the authority to investigate police, manage, or otherwise remedy the violation or act.
8. This policy protects employees and other persons who disclose information on their own motive in a written and signed complaint, or who are requested to participate in an investigation, hearing or other inquiry conducted by the President or Management Company Representative, Board, state agency or federal government.
9. Any employee who is subject to adverse personnel action has a right to file a grievance pursuant to the applicable collective bargaining agreement or Policy 3.31. An independent contractor may appeal to the School Board for administrative review.

Authority: §§ 230.22, 112.3187, F.S.

Implemented: §§ 230.23, 120.53, F.S

History: New: 7/01/2004; Revised: 7/07/2005, 3/11/2010

Reference: Palm Beach School District Policy 3.28

EMPLOYEE USE OF TECHNOLOGY

Page 1 of 2

1. **General Standards of Appropriateness** — Board employees shall not conduct a private use of computers, copiers, and other communication devices such as phones, personal digital assistants (PDAs) and facsimile machines may not be used for a private business enterprise on school time. District technology resources, including, but not limited to, the financial gain (as defined by the Florida Information Resource Network ("FIRN")) of the employee or for the benefit of private, "for profit," or "not for profit" organizations unless expressly authorized by the Academy President or Management Company Representative or President or Management Company Representative's designee.
 - a. Any employee using the Internet in any form through the District's network must have an Employee Internet Services Request and Consent form on file at the school. This form is specifically incorporated into this policy by reference.
 - b. All employees shall abide by the Code of Ethics of the Education Profession in Florida. When using the Board's technology resources, Employees shall become familiar with and abide by Fla. Admin. Code Sections 6B-1.001 and 6B-1.006, including the provisions prohibiting harassment and discrimination, defamation, use of institutional privileges for personal gain, and improper disclosure of confidential information; and Fla. Stat. § 112.313, including the duty to avoid improper use or disclosure of "information not available to members of the general public and gained by reason of [their] official position for [their] personal gain or benefit or for the personal gain or benefit of any other person or business entity."
 - c. The Board authorizes employees to use technology resources, applications, and databases for assigned responsibilities. Employees shall use these resources to enhance job productivity in performance of Academy business
 - d. Employees may utilize District technology services outside of the employees' normal work hours provided no additional costs are incurred by the Board within the parameters set forth below:
 - i. The Florida Information Resource Network (FIRN) provides Internet services to our District at no cost. The District provides the network connectivity to the Internet and mainframe through leased lines (currently T1s and T3s).
 - ii. Internet use is encouraged "after hours" for employees for the following reasons:
 - A. Personal and professional growth
 - B. The services are "free"; and
 - C. There is no significant negative impact on our network during these hours.
 - e. Use of the Internet is similar to use of a school gym or library after school. Professionals are encouraged to use these facilities for personal and professional growth, which must not be confused with financial gain. FIRN's *Acceptable Use Policy and Guidelines*, which forms the cornerstone of the School District of Palm Beach County Internet Guidelines, uses the terminology "financial gain." Examples of "financial gain" include: offering products or services for sale or soliciting for advertisers or sponsors for the benefit of any enterprise other than the School.
2. **Compliance** -- When using Board technology resources, applications, databases, and supplies, employees shall adhere to the standards established by all applicable laws, regulations, and the Board's Acceptable Use Guidelines and are incorporated into and made part of this Policy by reference. Further, employees must observe that:
 - a. Any information generated through a computer, stored on hard disks, electronically mailed, or handled as e-mail is the same as any written document and is subject to all rules governing public records and Chapter 119, Florida Statutes, as explained in Palm Beach School District Policy 2.041.
 - b. The willful and knowing unauthorized use, alteration, or destruction of information technology resources and databases is a computer-related crime punishable under Chapter 815, Florida Statutes.
 - c. All employees who have access to or may have access to personally identifiable student records shall adhere to all standards included in the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; the IDEA and its regulations at 20 U.S.C. § 1417(c) and 34 C.F.R. § 300.572; Fla. Stat. § 1002.22 and other applicable laws and regulations, as they relate to the release of student information. Employees shall not use access to student records information for personal gain.

EMPLOYEE USE OF TECHNOLOGY

Page 2 of 2

- d. Intranet and Internet Resources, telephones, and e-mail shall be used to enhance job productivity in performance of District business and shall not be used to send abusive, threatening, or harassing messages. Employees shall not send communications where the meaning of the message, or its transmission or distribution, would be illegal under state or federal statutes, federal regulations, or state rules; unethical under Fla. Statutes Chapter 112 or Chapter 6B-1 of the State Board of Education rules; or irresponsible as determined by the reasonable discretion and judgment of the employees' supervisor.
 - e. All software on computers must be licensed. Employees are responsible for using software in compliance with restrictions that apply to those licensing agreements.
 - e. Employees shall not make or facilitate the distribution of unauthorized copies of software. Modifications cannot be made to any software without the authorization of the copyright holder. The copyright legend or notice shall not be removed from the software or any of its documentation.
3. **Enforcement** -- Any employee failing to comply with this policy or its implementing procedures and guidelines may be subject to disciplinary action and civil or criminal liability.

Authority: §§ 1001.41(2), 1001.43(9), (11), Fla. Stat.

Implemented: §§ 1001.41(2), 1001.43(9), (11), Fla. Stat.

History: New: 7/01/2004; Revised: 7/07/04, 3/11/2010

Reference: Palm Beach School District Policy 3.29

PERFORMANCE ASSESSMENT OF PERSONNEL

1. For the purpose of improving the quality of instructional, administrative, supervisory and support services, and for the purpose of considering the future status of all personnel, the assistant principal or the person directly responsible for the supervision of each employee shall make a written assessment of the performance, duties and responsibilities of such personnel, and submit it to the Academy President or Management Company Representative and the Board. This assessment shall be made at least once a year and shall become a part of the employee's personnel file at least once a year and shall become a part of the employee's personnel file.
2. Prior to preparing the written report of assessment, each employee to be evaluated shall be informed of the criteria and the procedure to be used. The written report of assessment for each employee shall be discussed and a copy made available by the person responsible for preparing the report.
3. The Personnel File of each Governing Board employee shall be open to inspection and available for review to any person requesting to do so, except for personnel records which are currently provided by law to be confidential and excluded from public inspection, unless the employee specifically authorizes, in writing, disclosure of confidential information.
 - a. The following persons shall have access to the complete personnel file of each employee at all times.
 - i. Governing Board Members
 - ii. Academy President or Management Company Representative
 - iii. The Secondary School Principal;
 - iv. Assistant Principals;
 - iv. The employee or any person designated in writing by the employee;
 - v. Law enforcement personnel in the conduct of a lawful criminal investigation.The President or Management Company Representative may designate other Board employees to inspect an employee's personnel file in the exercise of their respective duties.
 - b. Examination of any material in a personnel file is governed by the provisions of Section 231.291, and Chapter 119, Florida Statutes.

Authority: 120.53, 230.22(2), 231.001, FS

Implemented: 231.291, FS; 119.011, 119.07, FS

History: New: 7/01/2004; Revised: 7/07/2005, 3/11/2010

Reference: Palm Beach School Board Policy 3.30

GRIEVANCE PROCEDURE FOR EMPLOYEES

Page 1 of 6

1. Purpose-- The purpose of this procedure is to secure, at the lowest administrative level, equitable solutions to claim(s) arising from a violation, misapplication, or misinterpretation of Board Policies or Administrative Directives, which may include discrimination or harassment prohibited by Policies 3.05 and 3.19, and to establish an orderly succession of procedures wherein these solutions may be pursued.
2. Definitions: As used herein, the following terms shall mean:
 - a. "Grievance" -- a written complaint that alleges a violation, misinterpretation, or misapplication of Board Policy or Administrative Directives, including discrimination or harassment prohibited by Policies 3.05 and 3.19
 - b. "Employee" -- every person employed in any position, instructional or non- instructional, by the South Tech Charter Academy, Inc. Board.
 - c. "Grievant" and "Complainant" -- an employee [or an applicant as defined in subsection (2)(e)] who alleges in writing that he/she has been subjected to discrimination or harassment as prohibited by Policies 3.05 and 3.19.
 - d. "Accused Employee" -- an employee who is alleged to have subjected another employee to discrimination or harassment as prohibited by Policies 3.05 and 3.19.
 - e. "Applicant," -- any person applying for employment with the Academy, or a current District employee who applies for another instructional or non-instructional position within the District.
 - f. "Supervisor" -- the person with direct responsibility for supervising or managing the aggrieved employee and who has the authority to take action necessary to resolve the grievance.
 - g. "Superior" -- the supervisor of the aggrieved employee's immediate supervisor.
 - h. "Days" -- workdays unless calendar days are specified.
3. Procedure for Grievances (*Other than Alleged Harassment or Discrimination*) – The following grievance procedure applies when the grievance is based on an allegation *other than* discrimination or harassment under Policies 3.05 and 3.19. (If the grievance is based on allegations of discrimination or harassment as prohibited by Policies 3.05 and 3.19, the procedures of Section (4) shall apply, instead.).
 - a. Level One: Informal Conference

Within ten (10) workdays after the employee first knows or reasonably should have known of the grievable incident, the employee shall initially discuss the matter with the immediate supervisor with the objective of informally resolving the matter. The supervisor shall prepare a written summarization of the conversation to be signed by the employee making the informal complaint.
 - b. Level Two: Filing a Written Grievance
 - i. Within ten (10) workdays after the informal conference described in Level One, if no satisfactory disposition is made, the employee may file a written grievance with the supervisor. The written grievance shall set forth specifically the event(s) upon which the grievance is based, citing the Policy and/or Directive alleged to be violated, the date the alleged infraction took place, and grounds upon which the grievance is made. The employee must sign and date the grievance.
 - ii. Within ten (10) workdays after receiving the written grievance, the supervisor shall schedule another meeting with the employee. Within ten (10) workdays of the second meeting, and after investigating the allegations, the supervisor shall issue a written decision to the employee.
 - c. Level Three: Review by the Academy President or Management Company Representative
 - i. Within ten (10) workdays after the supervisor's decision, if the employee is not satisfied with the supervisor's decision or if no decision has been issued, the employee may forward the written grievance and the supervisor's decision to the Academy President or Management Company Representative. The written grievance shall set forth the event(s) upon which the grievance is based. If the grievance is not forwarded to the President or Management Company Representative within the designated time, the grievance is considered withdrawn from the grievance process and shall be so noted in the grievance file.
 - ii. The Academy President or Management Company Representative shall appoint an ad hoc grievance review committee. The chair of the committee will be the highest-ranking school official on the committee. The committee will consist of:

GRIEVANCE PROCEDURE FOR EMPLOYEES

Page 2 of 6

- A. One (1) member from school management, selected by the President or Management Company Representative;
- B. One (1) member selected by the grievant; and
- C. A third member selected by agreement of the first two (2) members. If the third member is not selected by the other committee members within seven (7) calendar days, the President or Management Company Representative shall appoint a third member to serve on the committee
- iii. In an effort to resolve the grievance, within ten (10) workdays after the committee is designated, the committee shall meet with the grievant and the person alleged to have violated, misinterpreted, or misapplied a Policy or Directive. Other persons may be presented as witnesses at the meeting by either the grievant or the supervisor/superior. The committee shall issue a written recommendation within ten (10) workdays after the meeting, determining whether any violation has occurred, and if so, an appropriate remedy. A copy of the recommendation shall be provided to the grievant, supervisor, and the President or Management Company Representative.
- iv. The President or Management Company Representative shall review the recommendation of the committee and the record of the grievance. If the President or Management Company Representative finds that a meeting with the grievant would assist in the final determination, the President or Management Company Representative may schedule a meeting for the purposes of this review. The President or Management Company Representative's decision is the final and binding decision of the Academy
- 4. Reporting and Resolving Allegations of Harassment or Discrimination.-- When the cause for the grievance is an allegation of discrimination or harassment of an employee (or applicant, as defined in subsection (2)(e)), the following procedures shall apply:
 - a. Level One: Reporting to the Supervisor and Investigation by Supervisor
 - i. Reporting Discrimination or Harassment.-- Any employee (or applicant as defined in subsection (2)(e)) who believes he/she is a victim of discrimination or harassment as prohibited by Policies 3.05 and 3.19, may report the incident(s) in writing to the Academy President or Management Company Representative or other immediate supervisor, as applicable. Due to the sensitive nature of sexual harassment complaints, or in the event of an allegation of harassment or discrimination by one's supervisor, the complaint may be filed in writing directly with the President or Management Company Representative. The President or Management Company Representative will not provide Level One investigation unless the nature of the accusation excludes other levels of supervision that report to the President or Management Company Representative. If the nature of the accusation necessitates involvement of the President or Management Company Representative, every effort will be made to locate an appropriate designee to leave another level of resolution prior to litigation.
 - ii. Complaints should be filed as soon as possible after the alleged incident, but must be filed within sixty (60) calendar days after the employee (or applicant as defined in subsection (2)(e)) first knows or should have known of the grievable incident. Failure on the part of the complainant to initiate and/or follow up on a complaint in a timely manner may result in the complaint being deemed abandoned.
 - iii. The President or Management Company Representative/designee or other immediate supervisor (as applicable) may assist the individual in putting the complaint in writing; reviewing it with the complainant; and obtaining the complainant's signature. The complainant will be requested to provide signed, specific information regarding the alleged discrimination or harassment, the alleged offender(s), witnesses, and other relevant information. All complaints filed must be reported to the Academy President or Management Company Representative.
 - iv. It is the responsibility of the assistant principal, or other supervisor as applicable, to forward all harassment or discrimination complaints to the President or Management Company Representative and initiate an investigation within two (2) work days.

GRIEVANCE PROCEDURE FOR EMPLOYEES

Page 3 of 6

- b. Investigation by Secondary School Principal/Designee.-- The Principal/designee shall document and begin within two (2) work days to thoroughly investigate all complaints of harassment or discrimination, including the following steps
 - i. Promptly talk with the complainant. The complainant shall have an opportunity to describe the incident, present any evidence, name witnesses, and put his/her complaint in writing if he/she has not already done so;
 - ii. Talk with any witnesses or others who may have relevant information; and
 - iii. Conduct an investigative meeting with the accused/employee, and the accused/employee's representative, if applicable, to discuss the allegations and allow the accused/employee to respond to the allegations.
 - iv. During the investigation, the Principal shall initiate any action deemed necessary to protect the complainant or other employees, consistent with the requirements of applicable laws.
 - v. When necessary to carry out the investigation or for other good reasons and consistent with federal and state privacy laws, the Principal should discuss the complaint with any of the following persons, as appropriate:
 - A. School President or Management Company Representative
 - B. Legal counsel for the Board
 - C. Another employee whose knowledge of the persons involved may help determine the truth;
 - D. The accused/employee
- c. Decision of the Principal/Designee.--Upon completion of the investigation, the Principal/designee shall make a decision, within thirty (30) calendar days of receiving the complaint if possible, about the validity of the allegations in the complaint. The President or Management Company Representative shall discuss the determination and any recommended corrective action with the Principal/designee or other immediate supervisor, as applicable. In reaching a decision about the complaint, the following should be taken into account:
 - i. Written statements of witness, the complainant, and accused/employee (or representative thereof); and written or oral advice from school personnel listed above in subparagraphs (4)(b)(v) A-D;
 - ii. The details and consistency of each person's account;
 - iii. Evidence of how the complainant reacted to the incident;
 - iv. Evidence of past instances of harassment or discrimination by the accused/employee (provided that, if evidence of past harassment/discrimination is to be considered, the principal/designee must review in their entirety the files regarding those past incidents);
 - v. Evidence of past harassment or discrimination complaints that were found to be untrue (provided that, if evidence of past accusations or complaints is to be considered, the principal/designee/supervisor must review in their entirety the files regarding those past incidents); and
 - vi. Case law, state and federal laws and regulations, and Board Policies prohibiting harassment and discrimination.
- d. To determine the severity of the harassment or discrimination, factors such as the following may be considered:
 - i. How the misconduct affected an employee's work;
 - ii. The type, frequency, and duration of the misconduct;
 - iii. The number of persons involved;
 - iv. The subject(s) of harassment or discrimination;
 - v. The place and situation where the incident occurred; and
 - vi. Other incidents at the site.
- e. The recommendations for action(s) to be taken, consistent with any applicable collective-bargaining agreement provisions, to resolve a complaint of harassment or discrimination by an employee may include, but are not limited to, the following:
 - i. No action, if the complaint is unsubstantiated;
 - ii. Training requirements for the accused/employee;
 - iii. Oral reprimand of the accused/employee;
 - iv. Written reprimand of the accused/employee,
 - v. Suspension of the accused/employee; or
 - vi. Termination of the accused/employee.

GRIEVANCE PROCEDURE FOR EMPLOYEES

Page 4 of 6

- f. Level Two: Appeal to the President or Management Company Representative -- Within ten (10) work days after the Principal/designee issues a written decision, a dissatisfied party may appeal the decision in writing to the President or Management Company Representative. An appeal may also be filed if no decision has been issued within ten (10) workdays of the meeting. A copy of the appeal will also be provided to the Chairperson of the Board. If the grievance is not forwarded to the President or Management Company Representative within the designated time, the grievance is considered withdrawn from the grievance process and shall be so noted in the grievance file.
 - i. Notice of the appeal shall be given to the opposite party within two (2) workdays of receipt of appeal.
 - ii. The President or Management Company Representative shall appoint an ad hoc Harassment Grievance Review Committee. The chair of the committee will be the highest-ranking School official on the committee. The committee will consist of
 - A. One (1) member from school management, selected by the Academy President or Management Company Representative.
 - B. One (1) member selected by the grievant; and
 - C. A third member selected by agreement of the first two (2) members. If the third member is not selected by the other committee members within seven (7) calendar days, the President or Management Company Representative shall appoint a third member to serve on the committee.
 - iii. In an effort to resolve the grievance, within ten (10) workdays after the committee is designated, the committee shall meet with the appealing party and, if deemed appropriate, may also meet with the opposite party. Either the appealing party or the opposite party may present other persons as witnesses at the meeting.
 - iv. The committee shall issue a written recommendation within ten (10) workdays after the meeting, determining whether any violation has occurred, and if so, recommending an appropriate remedy. A copy of the recommendation shall be provided to both parties, the grievant's supervisor and the President or Management Company Representative.
 - v. The President or Management Company Representative shall review the recommendation of the grievance review committee and the record of the grievance. If the President or Management Company Representative finds that a meeting with the grievant and/or accused/employee would assist in the final determination, the President or Management Company Representative may recommend scheduling a meeting for the purposes of this review. The President or Management Company Representative's decision is the final and binding decision of the Academy.
- g. If the complainant is not satisfied with the results of the procedures contained in this Section, he/or she may utilize other means for resolution as provided by law, including seeking recourse through the federal Office for Civil Rights ("OCR") or Equal Employment Opportunity Commission ("EEOC").
5. Rights of Employees (and Applicants as Defined in Subsection (2)(e))
 - a. During any of the grievance levels, the employee (or applicant as defined in subsection (2)(e)) may be represented by a person of the employee's/applicant's choice once the grievance is filed with the supervisor. For grievances governed by Section (3) that are filed by employees/applicants who choose to be represented by legal counsel, the process will begin at the School President or Management Company Representative phase of Level 3 under subsection (3)(c).
 - b. Any member of the administration or other employee against the employee, representative, or any other participant in the grievance procedure by reason of such participation shall take no retaliation or reprisals of any kind.
6. General Provisions
 - a. Grievance report forms for filing a grievance shall be available in the President or Management Company Representative's office. Employees are to be notified of the procedures in this Policy through the Policy's distribution to staff.
 - b. Failure of the employee/applicant to advance the grievance through the procedure within the time lines designated will result in immediate dismissal of the grievance.
 - c. If a preliminary investigation is begun regarding a complaint, the written complaint and documents relating to the investigation are confidential, pursuant to Fla. Stat. §§ 119.07(3)(p) &

GRIEVANCE PROCEDURE FOR EMPLOYEES

Page 5 of 6

- (u), 231.291(3)(a)1, and 231.262(1)(a), until the investigation is either concluded or ceases to be active.
- d. All records pertaining to a grievance may be filed in a separate grievance file and may not be kept in the official "personnel file" of the employee/applicant, but this grievance file will be treated as provided by Fla. Stat. §§ 119.07 and 231.291(4). All decisions of management are to be forwarded to the labor relations department, which may be designated as the custodian of those records for grievances involving a bargaining unit member. The grievance file is subject to disclosure pursuant to the Public Records law and Fla. Stat. § 231.291(4).
 - e. If a grievance is filed under the grievance procedure in a collective bargaining agreement, the employee may not pursue the grievance under this procedure
 - e. The filing of a grievance shall not interfere with the right of the Board to carry out its responsibilities, subject to the final decision on a grievance.
7. President or Management Company Representative or Other Employees That Report Directly To The Board:
- a. When the Grievant is a Direct Board Report - The President or Management Company Representative or any other employee that reports directly to the Board shall file any grievance in writing with the Board Chair. The Chair should request appropriate school personnel to begin the investigation/ resolution process set forth in Section (3) or (4) above, as applicable.
 - b. When the Grievant is an Employee in the Office of a Direct Board Report-- Employees working in the Office of the President or Management Company Representative or for any other employee that reports directly to the Board, should file any initial grievance with their direct supervisor pursuant to Section (3) or (4) above (*unless the grievance is against a direct Board report, in which case subsection (c) below shall apply*). If the grievance is not resolved at this level, the grievance may be appealed as set forth under Section (3) or (4), as applicable.
 - c. When the Accused is a Direct Board Report-- When a direct Board report is the accused, the grievant shall file the complaint in writing with the Board Chair, who shall take prompt action as specified below:
 - i. First, the Chair shall notify the accused of the complaint
 - ii. Second, the Chair shall notify the Board of the complaint. The Board shall determine if the complaint appears to merit formal investigation
 - iii. If the Board deems the complaint to merit formal investigation, the Board shall set the parameters for the investigation. The investigation should document the statements of the grievant, witnesses, and the accused.
 - iv. If a preliminary investigation is begun, the written complaint and documents relating to the investigation are confidential, pursuant to Fla. Stat. §§ 119.07(3)(p) & (u), 231.291(3)(a)1, and 231.262(1)(a), until the investigation is either concluded or ceases to be active
 - v. To conduct the investigation, the Board may consider:
 - A. Retaining outside special counsel (which should be an attorney or law firm that is not currently retained by the Board and has not handled any matters for or against the Board within the past five years);
 - B. Requesting the personnel-investigation department of the School District of Palm Beach County to conduct the inquiry;
 - C. If applicable, referring the matter to the State Attorney's Office, the Commission on Ethics, or other applicable state agency.
 - vi. The Board and the accused should receive the final investigative report at the same time.
 - vii. Upon receiving the report, the Board shall determine whether any action is required. The accused/employee and/or the employee's representative shall have a right to address the Board at the meeting where the decision will be made.
 - viii. Consistent with the employment contract, if informal action such as a reprimand is deemed necessary, such action may be reflected in the employee's evaluation and personnel file. In accordance with the employment contract, if formal action such as demotion, suspension, or termination is deemed necessary, the employee shall receive appropriate notice and opportunity for a hearing under Fla. Stat. §§ 120.569 and 120.57, and the Board's final order may be appealable pursuant to Fla. Stat. § 120.68

GRIEVANCE PROCEDURE FOR EMPLOYEES

Page 6 of 6

Implemented: §§ 119.07(3)(p) & (u); 228.2001; 230.22(1); 231.001, 231.291; 231.262(1), Fla. Stat.

History: New: 7/01/2004; Revised: 7/07/2005, 3/11/2010

Reference: Palm Beach School District Policy 3.31

YEAR OF SERVICE DEFINED

The minimum time in determining a year of service shall be actual service including compensated leave, exclusive of all other types of leave and holidays for a total of more than one-half of the number of days required for the normal contractual period of service for the position held.

Authority: 120.53, 230.22, 231.001, FS

Implemented: 228.041(20), FS

History: New: 7/01/2004

Reference: Palm Beach District Policy 3.40

VERIFICATION OF EXPERIENCED TEACHERS' HIGHLY QUALIFIED STATUS UNDER NCLB

Page 1 of 2

1. **Purpose.**-- The Governing Board is committed to having highly qualified teachers in South Tech Charter Academy, Inc. classrooms pursuant to the No Child Left Behind Act of 2001 (NCLB).
 - a. This Policy is intended to supplement State Board of Education Rule and to implement the Florida DOE's High, Objective, Uniform State Standard of Evaluation (HOUSSE) Plan for highly qualified teacher requirements within 20 U.S.C. § 7801(23) (codifying § 9101 of NCLB), pursuant to the Florida DOE's memoranda on Highly Qualified Teachers (available online at <http://info.fldoe.org/docushare/dsweb/View/Collection-102>), incorporated herein by reference.
 - b. The Board recognizes that the U.S. Department of Education has authorized using the High, Objective, Uniform, State Standard of Evaluation (HOUSSE) to determine a teacher to be "highly qualified" under NCLB other than by certification or subject testing. Under the HOUSSE plan, *experienced* Florida certificated educators can verify core content-area competency and knowledge as defined by NCLB standards to satisfy the highly qualified teacher criteria by June 30, 2006 or as otherwise amended by federal or state law.
 - c. Teachers who meet HOUSSE criteria will not have to take additional courses or take specific Florida subject area exams to be deemed "Highly Qualified" by NCLB standards, and will no longer be considered out-of-field in the core content area being verified, State Board of Education Rule 6A-1.0503.
2. **Features.**-- The HOUSSE plan uses multiple items that verify competency in the core content area to meet the requirements of the NCLB "highly qualified" designation.
 - a. HOUSSE points are allowed for successful teaching experience in the core content areas, satisfactory classroom observations and performance evaluations in the core content areas, college level courses in the core content areas, approved professional development in the core content areas, appropriate professional activities related to teaching the core content areas, and student achievement learning gains for teachers of English/Language Arts and Mathematics in Grades 4-10.
 - b. The Florida HOUSSE plan requires 100 points in this rubric for each core content area being verified; and Form PBSB 2133, used by the Palm Beach School District to implement the plan, is incorporated by reference herein.
 - c. The Governing Board is not required to notify parents of the students taught by teachers who are deemed highly qualified via the HOUSSE plan that the teacher does not have certification in the core content area.
3. **Applicability -**
 - a. The HOUSSE plan is applicable to, but not limited to, the following types of teaching assignments:
 - i. teachers certified in an ESE area and who teach one or more core content areas;
 - ii. teachers of foreign languages (especially where no subject area test is available);
 - iii. teachers of academic core content courses;
 - iv. teachers in alternative school settings, such as Juvenile Justice and/or Educational Alternatives; and
 - v. teachers hired as Exchange Teachers.
 - b. The HOUSSE plan cannot be used to satisfy ESOL or Reading content area highly qualified status.

VERIFICATION OF EXPERIENCED TEACHERS' HIGHLY QUALIFIED STATUS UNDER NCLB

Page 2 of 2

4. Procedures

- a. It is the responsibility of the teachers to provide any official documentation to their respective Principal/Director for HOUSSE points that the Palm Beach School District does not have in its electronic files.
- b. The Academy Principal will electronically sign off on all approved forms in the Palm Beach School District's HOUSSE System and forward appropriate official documentation to the District's HOUSSE Administrator for final signoff.
- c. Final approved documentation relating to these procedures will be scanned into the teachers' personnel records.

5. **Noncompliance.**-- Principals will receive a list of teachers who are not in compliance with the NCLB "Highly Qualified" requirements. Teachers who do not meet the "Highly Qualified" status by the deadline will receive a letter notifying them of such from the District's Division of Human Resources. The letters will be sent to school centers for distribution.

Authority: Fla. Stat. §§ 1001.41(2); 1001.42(22).

Implemented: Fla. Stat. § 1012.42; 20 U.S.C. § 7801(23).

Rule Supplemented: Fla. Admin. Code r. 6A-1.0503

History: New: 06/01/06

Reference: Palm Beach School District Policy 3.44

PROMOTIONAL PRACTICES

1. All vacancies shall be advertised with the exception of those positions for which the Academy President recommends the appointment of a current and qualified employee or for which the Academy President has identified a qualified candidate for Board consideration and recommends that individual for the vacancy.
2. Appropriate advertisement of and filling vacancies for positions that are part of a bargaining unit shall be controlled by the appropriate collective bargaining agreement, if applicable.

Authority: §§ 230.22(2); 230.23(22); 230.23005(1); 231.001; 236.02(3), Fla. Stat.

Implemented: §§ 230.23(5)(e); 230.33(7)(a),(e), Fla. Stat

History: New: 7/01/2004; Revised: 7/07/2005, 3/11/2010; 4/09/2015

Reference: Palm Beach School District Policy 3.45

**INTERIM AND/OR PROBATIONARY APPOINTMENTS FOR NON-INSTRUCTIONAL EMPLOYEES OR
TEMPORARY PERSONNEL**

1. Interim Appointments
 - a. The Board may issue interim appointments to members of the non-instructional staff:
 - i. When a non-instructional employee is on authorized leave or is otherwise unable to perform assigned duties.
 - A. For a period of time in excess of six months-- A non-instructional employee may receive an interim appointment for a term not to exceed the duration of the emergency period or until such time as the regular employee is able to return and perform assigned duties.
 - B. For a period of time less than 6 months-- All employees hired to replace regular employees expected to be on leave for less than six (6) months shall be employed as temporary personnel eligible for all benefits except Florida State Retirement.
 - II. When a new position is created or added or when a regular position is permanently vacated, provided said position becomes available following the start of the school year at or after a date determined by the Academy President or Management Company Representative. A qualified non-instructional employee may receive an interim appointment for a period not to exceed the duration of the balance of the school year.
 - III. When the President or Management Company Representative determines circumstances and conditions to be such that it would be in the best interest of the Board to recommend an interim appointment; a non-instructional employee may receive an interim appointment for a period not to exceed the duration of the balance of the school year
 - b. The salary and other benefits of employment of those persons appointed on an interim basis shall be the same as those provided to regular non-instructional personnel, except that the duration of service and compensation for the holders of such appointments shall be limited to only those days during which services are actually required or rendered. Interim appointments may be terminated by the Governing Board upon three days' written notice to the employee by the Academy President or Management Company Representative or director. The compensation for such employees shall be computed at the same daily rate that is allowed to full-time employees with the same qualifications and status.
2. Probationary Appointment:
 - a. The President or Management Company Representative may recommend to the Board to issue a letter of appointment on a probationary basis to a member of the non-instructional staff for a period not to exceed ninety (90) work days.
 - A. Employees who have not completed such period of employment may be discharged without recourse.
 - B. Probationary employees shall not be eligible for any type of leave except accrued sick leave, annual leave, or short-term unpaid leave (due to illness), not to exceed five (5) days.
 - C. The salaries of those persons appointed on a probationary basis shall be the same as those of appointments on an interim or regular basis, except that the duration of service and compensation for the holders of such appointments shall be limited to only those days during which services are actually required or rendered.
 - D. Upon three (3) days' written notice to the employee by the President or Management Company Representative, the Board may terminate probationary employees.

Authority: 120.53, 230.22, 231.001, FS

Implemented: 230.23(5), FS

History: New: 7/01/2004; Revised: 7/07/2005, 3/11/2010

Reference: Palm Beach School District Policy 3.55

NEPOTISM

POLICY STATEMENT:

South Tech Charter Academy, Inc. Board policy is that an applicant for any position with the Board or any employee seeking promotion shall be considered solely on the basis of respective qualifications for such a position, regardless of whether the applicant or employee is or is not related by blood or marriage to any member of the Board or to any employee of the Academy, except as otherwise provided herein.

1. Definitions:
 - a. The terms "related" or "relative" shall refer to the following relationships: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister or persons who reside at the same residence.
 - b. The term "directly supervise" shall relate to those situations in which one person at the Academy is directly responsible to another.
 - c. The term "indirectly supervise" shall relate to those situations in which a person does not directly supervise an employee but is in the direct chain of command between the immediate supervisor of the employee and the School President or Management Company Representative
 - d. The term "recommendation for employment, promotion, advancement or dismissal" shall apply to those situations in which an individual has responsibility for making advisory recommendations to the principal; such term shall not apply to employee nominations or dismissal recommendations of the President or Management Company Representative.
 - e. The term "evaluation" shall apply to those situations in which an individual is assigned responsibility for preparing the annual evaluation of an employee or is requested to participate in the formulation of such evaluation
2. No employee shall participate in any personnel action, including recommendation for appointment, employment, promotion or advancement or evaluation concerning a relative.
3. No employee may directly or indirectly supervise or be directly or indirectly supervised by a relative.
4. Whenever one relative is promoted to a position that would result in a violation of this policy, the conflict shall be resolved by transferring one of the related employees to another position, if possible. If such transfer is not possible, the promotion shall not occur and another candidate will be recommended. The employee who is transferred shall be designated by the Academy President or Management Company Representative and must meet all established qualifications for the position to which transferred. In the case of instructional personnel, the employee must be certified in the area of assigned instructional duties.
5. This policy shall not, except as provided herein, be interpreted to prohibit the employment of relatives of Board members or relatives of any employee of the Academy. Neither shall the policy be interpreted to apply to students in officially sponsored educational work-study programs.
6. This policy shall not be interpreted to prohibit the employment of related employees provided that neither is directly or indirectly supervised by the other.
7. **In the event of a conflict between a provision of this policy and the terms of any applicable collective bargaining agreement, the latter shall control.**

Authority: Sections 112.3135, 120.52, 120.54, 231.001, 230.22(2), Florida Statutes

Implemented: Section 230.23(5), Florida Statutes

History: New: 7/01/2004; Revised: 7/07/2005, 3/11/2010

Reference: Palm Beach School District Policy 3.60

JURY DUTY

If an employee is under subpoena for jury duty during the time normally engaged in regular professional duties, the employee shall make application for temporary duty elsewhere. The employee shall receive regular pay while on jury duty and shall remit to the school in check or money order (no cash) the amount of fees, less travel allowance, received for jury duty.

If, upon reporting for jury duty, the employee is dismissed prior to serving one-half day, the employee is to report back to the regular duty assignment. A reasonable amount of time will be allowed for travel.

Authority: 120.53, 230.22, 231.001, FS

Implemented: 231.42, FS

History: New: 7/01/2004

WITNESS DUTY

When employees are under subpoena as witnesses in connection with their official duties or are under subpoena as witness in a court proceeding in which they are not a party to the litigation, they shall receive their regular compensation while on witness duty and shall remit to the Board in check or money order (no cash) the amount of fees, less travel allowance, received for witness duty. An employee who is party to litigation may request personal leave or annual leave as provided for in Board policies.

Authority: 120.53, 230.22, 231.001, 231.39, FS

Implemented: 231.42, 231.43, FS

History: New: 7/01/2004

Reference: Palm Beach School District Policy 3.75

FAMILY AND MEDICAL LEAVE POLICY

Page 1 of 2

1. GENERAL. The South Tech Charter Academy, Inc. Governing Board will provide, to qualified employees, family and medical leave pursuant to the provisions of the 1993 Family Medical Leave Act ("FMLA"). FMLA leave is intended to allow employees to balance their work and family life by taking reasonable paid and/or unpaid leave for personal serious health conditions, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition. During the period of FMLA leave entitlement, the Board will continue to provide paid health insurance for the employee.
2. FMLA leave shall be granted to eligible employees pursuant to the following criteria.
 - a. "Eligible Employees" are those employees who:
 - i. Have been employed for at least twelve (12) months by South Tech Charter Academy, Inc., and
 - ii. Have at least one thousand two hundred fifty (1,250) hours of service with the Board during the twelve (12) months prior to the requested leave.
 - b. Employees meeting the requirements of paragraph 2(a) shall be entitled to a total of twelve (12) weeks of FMLA leave per year (calculated on a rolling twelve (12)-month basis) for the following:
 - i. The birth of a child of the employee and/or in order to care for such child;
 - ii. The placement of a child with the employee for adoption or foster care;
 - iii. To care for a spouse, child, or parent of the employee if said individual has a serious health condition; or
 - iv. A serious health condition that makes the employee unable to perform the functions of his/her position with the Academy.
 - c. "Serious health condition" is defined as a condition which requires inpatient care in a hospital, hospice, or residential medical care facility; or continuing health treatment by a health care provider.
 - d. Where both husband and wife are employed by the Academy, they are permitted to take only a combined total of twelve (12) work weeks of leave if time off is requested for the birth of a child, the placement of a child for adoption or foster care, or to care for a sick parent. For FMLA leave based on other qualifying reasons, the husband and wife will each be entitled to their unused balance of twelve (12) weeks.
 - e. The Academy shall maintain, in full effect for the duration of the leave, health insurance coverage for an employee who is on leave, provided the employee:
 - i. was eligible for and received Academy provided group health insurance when actually working for the Academy; and/or
 - ii. is on unpaid leave and, if he/she pays for dependent insurance, pays partial premiums for his/her own coverage, or pays for other types of Academy offered insurance coverage, continues to make direct premium payments to the Academy while on leave.
 - f. An employee wishing to take FMLA leave, as outlined in paragraphs b(i) and b(ii) above, must provide the Academy with not less than thirty (30) calendar days written notice, before the date the FMLA leave is to begin, except if the birth or placement requires FMLA leave to begin in less than thirty (30) calendar days, the employee shall provide notice as is practical. Where FMLA leave is requested, as outlined in paragraphs b(iii) and b(iv) above, the employee, in writing, shall provide thirty (30) days notice, except that if the date of treatment requires the employee's leave to begin in less than thirty (30) days, the employee shall provide such written notice as is practical. The employee shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the Academy.

FAMILY AND MEDICAL LEAVE POLICY

Page 2 of 2

- g. Medical leave as outlined in paragraphs b(iii) and b(iv) above may be taken intermittently when medically necessary. Intermittent leave is defined as leave taken in separate blocks of time due to a single illness or injury, rather than one continuous period of time. Intermittent leave may include leave of periods from an hour or more to several weeks. Such leave is available for the employee's own serious health condition, or for the employee to provide care for, and/or transport a spouse, son, daughter, or parent, to receive recurring necessary medical treatment (i.e. chemotherapy, prenatal visits, physical therapy, chiropractic care). Under such circumstances, the employee must try to schedule the leave so as not to unduly disrupt the operation of the Academy. Furthermore, the Academy may place the employee in an alternative position, with equal pay and benefits, which better accommodates intermittent leave. Intermittent leave is not available to care for a newborn or recently adopted child.
- h. The Academy shall require medical certification, signed by the employee's health care provider, when FMLA leave is requested for the serious health condition of the employee, or for a serious health condition of the employee's spouse, child or parent. Such certification shall state:
 - i. The date on which the serious health condition commenced;
 - ii. The probable duration of the condition;
 - iii. The appropriate medical facts within the knowledge of the health care provider regarding the condition.

A second and third opinion may be required at Academy expense for any case in which the Academy has reason to doubt the validity of the certification. In addition, when an employee has a continuing medical condition for which FMLA coverage is requested, the Academy may request recertification of the medical condition every thirty (30) days.

- i. Upon return from FMLA leave, the employee is entitled to be restored to the same position held prior to the leave or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. An employee whose FMLA leave was due to his/her own serious health condition must provide medical certification that he/she is fit for duty before returning to work.
 - j. While on FMLA leave, an employee is prohibited from engaging in outside employment.
 - k. An employee who fraudulently obtains FMLA leave is not protected by the FMLA job restoration or maintenance of health benefits provisions and will be subject to termination.
3. **PROCEDURE**. An employee wishing to request leave under the FMLA shall obtain the necessary form from the Academy Personnel Manager.

Authority: § 230.23(17); 230.23005, Fla. Stat.

Implemented: Family Medical Leave Act of 1993, codified at 29 U.S.C. § 2602 et seq., 29 Code of Federal Regulations Part 825

Reference: Palm Beach School District Policy 3.76

History: New: 01/12/2006

LEAVE OF ABSENCE

Page 1 of 6

1. A leave of absence is permission granted by the Governing Board, or allowed under its adopted policies, for an employee to be absent from duty for specified periods of time with the right of returning to employment on the expiration of the leave. All absences of Governing Board employees from duty shall be covered by leave duly authorized and granted. Leave shall be officially granted in advance by the Governing Board and shall be used for the purposes set forth in the leave application. Leave for sickness or other emergencies may be deemed granted in advance if prompt report is made to the proper authority. No leave, except military leave, shall be granted for a period greater than one (1) year. A new leave application may be filed and granted at the expiration of leave, but automatic renewals of leave shall not be allowed, unless a currently existing charter agreement provides otherwise. Requests for extensions of leaves may be approved by the President or Management Company Representative or his/her designee based on the needs of South Tech Charter Academy, Inc. A leave of absence may be with or without pay unless otherwise provided by law, rules of the State board of Education, Board policy, and/or negotiated contracts. If the terms of a collective-bargaining agreement differ from this Policy, the language of the employee's agreement will take precedence. The following types of leave are available to South Tech Charter Academy, Inc. employees:
 - a. Leave for personal reasons
 - b. Annual leave (vacation) for 12-month personnel
 - c. Sick leave
 - d. Catastrophic leave (extended illness)
 - e. Injury or illness in-line-of-duty leave
 - f. Temporary military leave
 - g. Regular military service
 - h. Professional leave and extended professional leave
 - i. Charter school leave
 - j. Voluntary/extended military leave
 - k. Leave of absence for the purpose of campaigning for political office
 - l. Personal leave including maternity/recovery and child care
 - m. Jury Duty (see Governing Board Policy 3.70)
 - n. Domestic violence leave
2. Paid Leaves: Requests for paid leave of absences shall be made on South Tech Leave of Absence form available in the Personnel office. This form is incorporated herein by reference as part of this Policy.
 - a. **Leave for Personal Reasons.**-- An employee shall be allowed six (6) days' paid leave for personal reasons each year to be charged against accrued sick leave, provided that such leave shall be non-cumulative and does not interfere with the school/department operation.
 - b. **Annual Leave for 12-Month Personnel – Except Administration --**
 - i. An employee who is employed on a twelve-month basis shall be allowed annual leave, exclusive of holidays, with compensation, as follows:
 - A. An employee with less than five (5) years of total continuous service* at a rate of one (1) day per month, cumulative to twelve (12) work - days per year.
 - B. An employee with five (5) to ten (10) years continuous service* at a rate of one and one-quarter (1 1/4) days per month, cumulative to fifteen (15) work - days per year.
 - C. An employee with ten (10) years or more of continuous service* at a rate of one and one-half (1 1/2) days per month, cumulative to eighteen (18) work - days per year.
 - D. For the purposes of annual leave accrual in determining continuous service, total years of service will be recognized from other Florida Retirement System (FRS) agencies provided that the effective date of employment with this District does not exceed more than fifteen (15) business days from the termination date of the previous FRS employer.

* Years of service shall be the total combined years of service with South Tech Charter Academy, Inc. Board and the FRS..

LEAVE OF ABSENCE

Page 2 of 6

- ii. Accrued annual leave shall not exceed sixty (60) work days on June 30 of each year, pursuant to Fla. Stat. § 1012.65. Annual leave may be granted by the Academy President or Management Company Representative upon the written request of the employee, with prior recommendation by the employee's administrative superior. Annual leave for an employee shall be scheduled so that there will be minimum disruption of the operation of the school.
- c. **Administrators** will have a separate leave package. Annual leave will be granted at a rate of 1-1/2 days per month. Annual leave for Administrators must be used or lost at termination of employment. It cannot be "cashed out". **(Refer to Policy 3.20)** Administrative sick leave shall be governed by the section of this policy defining Sick Leave, and is consistent for all employees.
- d. **Sick Leave – All Employees**
 - i. *Extent of sick leave.*-- A Governing Board employee shall be credited with four (4) days of sick leave as of the last day of the 1st month of regular employment of each appointive year, and shall thereafter earn one (1) day of sick leave at the end of each calendar month provided that the employee has been on duty or compensable leave a minimum of eleven (11) days within the month; and provided further, that the employee shall be entitled to earn no more than one (1) day of sick leave times the number of months of employment during the year of employment.
 - A. Sick leave shall not be used prior to the time it is credited to the employee.
 - B. If the employee terminates employment and has not earned the four (4) sick days available, the Board will withhold the average daily amount for the sick days utilized but unearned by the employee.
 - C. An employee whose duty-day basis changes shall have sick leave balance as a permanent half-time employee converted at the rate of two (2) part days of sick leave to one (1) full day of sick leave. The same principle applies to a permanent full-time employee whose duty-day basis changes to a permanent half-time employee by converting all credited sick leave at the time of change to one (1) full day of credited sick leave to two (2) part days of sick leave.
 - ii. Sick leave for all employees shall be cumulative from year to year with no limit on the number of days accrued. An employee returning to the District after a leave of absence or resignation shall be entitled to the accrued balance credited at the time of such leave or resignation, unless the employee received payment previously, either in part or full, for that time.
 - iii. An employee may use accumulated sick leave for absence due to disability caused by pregnancy, miscarriage, abortion, childbirth, and recovery there from, all of which shall hereafter be referred to as pregnancy. Should sick leave be insufficient, personal leave provisions may be used for pregnancy. The employee will have the duty to inform the School at least one month before expected date of leave so that a temporary replacement can be provided. Similarly the employee should keep the Principal or supervisor informed as to the date of probable return to assignment after delivery and recovery. Return from pregnancy or other extended leave shall occur at the end of a grading period.
 - iv. An employee requiring more than thirty (30) working days of paid leave for recovery may be required to submit medical evidence at reasonable intervals supporting the need for additional leave.
 - v. Sick leave claims shall be honored as submitted by the employee for personal illness, as well as illness or death of father, mother, brother, sister, husband, wife, child or other close relative, or member of the employee's own household.
 - vi. Employees that are experiencing documented health issues requiring greater than twenty days leave for convalescence, lack sufficient days of leave (sick, personal, and annual, combined) to provide coverage, and who are ineligible for American Family Medical Leave Act benefits may have leave days donated to them by other employees. Use of donated days will begin upon depletion of all days of leave time earned by the employee on leave,

LEAVE OF ABSENCE

Page 3 of 6

and will continue until the employee is cleared to return to work by a physician or has depleted donated days of leave. Days may be donated by eligible employees and used on a day-per-day basis without regard to daily rate. Employees are to be under no obligation or pressure to contribute leave time, and such contributions are to be strictly on a voluntary basis for compassionate reasons. Donor's names will be kept confidential. Donated days that are not used by the recipient will be re-credited to the donor.

- vii. Employees who exhaust their leave earned while employed at the Conversion Charter School may have access to the balance of their leave, if any, being held by Sponsor on the following conditions: That the President or Management Company Representative of the Conversion Charter School certify to the Sponsor that the employee has exhausted his or her leave earned while employed at the Conversion Charter School, and is or has been out for more than ten (10) consecutive days due to reasons of illness or injury; that the President or Management Company Representative has received medical verification to substantiate the need for the leave. If the conditions are met, the employee shall be permitted to utilize and be paid for by Sponsor for leave days used until the employee is able to return to work, but only to the extent that such days are being held by the Sponsor.
 - viii. The President or Management Company Representative may require a doctor's statement of verification of illness.
 - ix. A false claim for sick leave shall be grounds for dismissal by the Board.
- d. **Catastrophic Illness or Injury Leave --**
- i. A catastrophic illness or injury shall be defined as a medical condition not covered by Workers' Compensation requiring absence from work greater than fifty (50) working days of consecutive absence for a single illness or injury.
 - ii. An employee who sustains a catastrophic illness or injury may apply for and receive for use on a matching basis supplementary catastrophic illness or injury leave not to exceed the number of regular, unused sick leave days that the employee had accumulated on the first day of the regular sick leave applied to the catastrophic illness or injury. **Section (2)(D) excludes absences due to injury covered by Workers Compensation.**
 - iii. Two (2) medical verifications of such catastrophic illness or injury shall be required. Employees shall fully cooperate with the Governing Board and shall authorize the release of any medical records necessary. The Governing Board shall satisfy itself that any claim for catastrophic illness or injury leave is legitimate and correctly states the facts. The Board may at its expense require an independent medical examination.
 - iv. The Governing Board's granting of matching leave days shall begin on the fifty-first (51) scheduled work - day of catastrophic illness or injury.
- e. **Injury or Illness In-Line-of-Duty Leave.--** An employee who is absent due to injuries or illness clearly received in the discharge of assigned duties shall be entitled to additional sick leave benefits as hereafter provided:
- i. An employee who is injured in-the-line-of-duty may be entitled to a maximum of 10 non-cumulative leave days which shall not be charged against the employee's sick leave balance. This LOD leave will not exceed ten (10) school/business days per injury and ten (10) school days per school year. Requests for this leave shall be made on TDE Leaves form (STACI Form 032) available in the Personnel office
All claims for such leave must clearly substantiate an injury received in carrying out assigned duties. Additionally, such paid leave shall only be awarded for the duty days for which the employee has been actively employed. After ten (10) school days have been exhausted, the employee may apply for unpaid leave if eligible.
 - A. Leave will not be payable under this section if the injury occurs while the employee is intoxicated, or; while under the influence of any narcotic drug, barbiturates, or other stimulus not prescribed by a physician, to such extent as to deprive the employee of normal faculties to drive, be in actual physical control of, or operate, while on duty, any automobile, truck, or other vehicle, and the injury is caused primarily by the intoxication or impairment of the employee.
 - B. Leave will not be payable under this section to an employee when that employee willfully or intentionally causes injury to self or to others while on duty.

LEAVE OF ABSENCE

Page 4 of 6

- C. If the injury is caused by the intentional refusal of the employee to properly use equipment or observe safety rules required by statute or this District, and said rules have been reviewed by the employee prior to the accident, compensation as provided by Fla. Stat. § 440.09(4) shall be reduced by twenty-five (25) percent.
- ii. When an employee can clearly demonstrate that the contracting of a disease was from the school center or department to which assigned, then the employee may qualify for a maximum ten (10) days of non cumulative illness in-line-of-duty leave.
 - iii. An absence for illness in-line-of-duty leave may be granted when the employee can clearly demonstrate the contracting of an infectious or contagious disease at the work location for which inoculations are not available and exclusive of upper respiratory infections or complications there from. Common colds, influenza or other illnesses common to the public are not to be considered as illness in-line-of-duty. Further, this contagious disease must be exclusive of upper respiratory infections or complications there from and must be one for which inoculations are not available.
 - iv. In cases of unusual illness or injury in-the-line-of-duty, an employee may make a request to the President or Management Company Representative, or his designee, for additional compensated leave days. If the President or Management Company Representative or designee is satisfied that the condition warrants, additional leave days shall be authorize
 - v. An employee who has claim for compensation while absent because of illness contracted or injury incurred as prescribed herein shall notify the President or Management Company Representative or department head as soon as such illness or injury is apparent and shall file a claim by the end of each month or pay period as requested during which such absence has occurred. The Governing Board shall satisfy itself that the claim correctly states the facts and that such claim is entitled to payment. An employee who has a claim under this policy shall fully cooperate with the Board and shall authorize the release of any medical records as necessary.
- f. **Temporary Military Leave.**-- If the obligation for temporary military service cannot be met outside the time of contractual employment, temporary leave for military service with the United States Armed Forces or the Florida National Guard will be granted with pay not to exceed seventeen (17) days in any one annual period of compensation as provided in Fla. Stat. § 115.07, or the member of the staff may request uncompensated military leave. All efforts should be made to prevent such leave being taken during the time school is in session. Requests for temporary military service should be made by letter and filed with the President or Management Company Representative **or designee** for Board action. If possible, this shall be done prior to the Board meeting preceding the date of leave.
- g. **Regular Military Service Leave.**-- An employee who is required to serve in the United States Armed Forces or the Florida National Guard shall be granted military leave. Other than temporary personnel, an employee granted military leave shall receive full remuneration for the first thirty (30) days of active duty. After the initial thirty (30) day period, the employee shall receive partial pay in the amount equal to the amount necessary to bring the employee's military pay up to the level of his/her civilian pay minus supplements. The period of full pay and partial pay, collectively, shall continue for one calendar year and, thereafter, only at the discretion of the President or Management Company Representative or his/her designee and upon the approval of the Board, based on the requirement of the efficient operation of the Academy and consideration what is fair to the employee.
- i. While on active duty, the employee shall retain all seniority rights, efficiency ratings, promotional status, salary classification, pension benefits, and retirement privileges, as if continuously employed. Upon returning to the school system following completion of duty in the armed forces, the employee shall be treated as not having had a break in service. During the period in which the employee receives partial compensation, however, the employee shall not accrue additional sick, annual vacation, or personal days. During the partial-pay period, such employees will be treated as personnel on approved leave of absence; they shall be given the option of converting to military benefits or retaining their medical, dental, and/or vision benefits by paying full premiums.
 - ii. Upon proper request for reemployment after returning from military service, an employee must be promptly reemployed.

LEAVE OF ABSENCE

Page 5 of 6

- iii. Under 38 U.S.C. Chapter 4301, an employee returning from military service must normally report to work and request reemployment within the following timeframes.
 - A. For service of 30 days or less, not later than the beginning of the first full regularly scheduled work day following completion of service, after allowing for an eight (8) hour rest period following safe return to the place of residence.
 - B. For service of 31 days or more but less than 181 days, within 14 days after completion of service.
 - C. For service of 181 days or more, not later than 90 days after completion of military service.
- iv. During a non-instructional employee's absence on military leave, the position may not be filled by an interim employee during the first 90 days.
- h. **Professional Leave**-- Professional leave, as defined in SBER 6A-1.081, is leave granted to an employee to engage in activities which will result in professional benefit, advancements or job effectiveness including earning of college credits and degrees, or that will contribute to the profession of teaching. Subject to budgetary constraints, an employee may be granted three (3) consecutive weeks of professional leave during any fiscal year with compensation; such leave shall be cumulative not to exceed thirty (30) work days or not to exceed six (6) weeks. A professional leave request is made on South Tech Charter Academy, Inc. Leave of Absence form available in the Personnel office.
- 3. **Unpaid Leaves**-- Initial requests and extension requests for leave of absence without pay for more than ten (10) days shall be made on TDE Leaves form (STCAI Form 032) available in the Personnel office.
 - a. **Voluntary Military Service Leave/Extended Service**-- When an employee enters into active duty in the armed forces for temporary duty, training duty, or extended periods of service, military leave must be granted under the requirements of 38 U.S.C. Chapter 43
 - b. **Leave for Political Campaigning**-- Any person who has filed to run for political office and is desirous of personal leave for political reasons shall make application for such leave and shall be entitled to personal leave. The person shall not be restricted to one leave during a political campaign; however, if possible, leave shall be requested for the duration of the campaign. Leave shall be taken for all absences for political campaigning.
 - c. **Personal Leave**-- An employee requesting short-term or long-term personal leave shall make written application to the President or Management Company Representative, stating reasons for such leave. The Board shall satisfy itself in terms of the need for a requested leave.
 - i. Personal leave may be used to extend a leave of absence due to sickness when that sickness has extended beyond all compensable leave for the duration of up to one (1) calendar year when supported by doctor's statements verifying the necessity of the extended leave.
 - ii. An employee requesting return to duty who has served efficiently and exhibited those qualities called for in the position held prior to such leave will be given every consideration for reemployment provided the conditions of employment have been met and the request is supported by a doctor's statement certifying that his physical condition is satisfactory to return to normal duties.
 - d. **Maternity/Recovery and Child Care**-- As set forth in greater detail in School Board Policy 3.76, an employee who is pregnant, adopting a child, or is receiving a foster child into the home, may request and be entitled to a leave of absence without pay for maternity or child care reasons to begin anytime during pregnancy (normally after recovery) or, in the case of adoption or foster child care, the receipt of custody. Requests are to be submitted on a Maternity Request for Leave without Pay form (STCAI form 1666) available in the Personnel office. Leave may be granted for the remainder of the employee's term of appointment and may be extended for one (1) additional year provided that the total time away from the job is not more than eighteen (18) months. It is the responsibility of the employee to keep the supervisor informed so that appropriate administrative arrangements can be made prior to return to duty.
 - e. **Domestic Violence**--
 - i. Pursuant to Fla. Stat. § 741.313, if the employee, or a family or household member of an employee, is the victim of domestic violence, said employee may request and take up to

LEAVE OF ABSENCE

Page 6 of 6

three (3) working days of unpaid leave from work in any 12-month period for the following reasons:

- A. to seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
 - B. to obtain medical care or mental health counseling, or both, for the employee, or a family or household member, to address physical or psychological injuries resulting from the act of domestic 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 violence;
 - D. to make the employee's home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; and/or
 - E. to seek legal assistance in addressing issues arising from the act of domestic violence or to attend and prepare for court-related proceedings arising from the act of domestic violence.
- ii. Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family or household member, an employee seeking leave from work under this section must provide to his or her employer notice, as appropriate, along with sufficient documentation of the act of domestic violence.
 - iii. An employee seeking leave under this section must, before receiving the leave, exhaust all annual or vacation leave, personal leave, and sick leave, if applicable, which is available to the employee.
 - iv. All information relating to the employee's leave under this section is confidential and exempt from disclosure to the extent authorized by Florida law.

Authority: Fla. Stat. §§ 1001.32920; 1001.41(1)(2); 1001.43(11); 1012.22(2); 1012.23(1); 1012.61(2)(e); 1012.66;

* South Tech High School Charter, Part V, Section 28.0 (H)

Implemented: §§ 115.07; 741.313; 1001.32(2); 1002.33(12)(e); 1012.61; 1012.62; 1012.63; 1012.64; 1012.65; 1012.66; 1002.33(12)(e), Fla. Stat.; Family and Medical Leave Act of 1993, 29 U.S.C. § 2602 et seq., 29 C.F.R. Part 825; Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301 et seq

History: New: 7/01/2004; Revised: 2/03/2005, 7/07/2005, 6/01/2006, 12/07/2006, 3/06/2008, 3/11/2010

Reference: Palm Beach School District Policy 3.80

EMPLOYEES AND INFECTIOUS DISEASE OR HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION

Page 1 of 2

1. Infectious Disease
 - a. Infection Control
 - i. Education agencies shall conform to standards promulgated by the U.S. Occupational Health and Safety Administration for the prevention of blood borne infections.
 - ii. All employees are required to correctly and consistently follow infection control guidelines in all settings and at all times. Equipment and supplies needed to apply infection control guidelines are available through the district warehouse. Employees whose job classification is included in category one (1) or category two (2) of the District's exposure control plan will be offered hepatitis B vaccinations at no cost.
 - iii. When an employee has a communicable disease that endangers others, school authorities, in concurrence with the medical director for school health and the department of epidemiology at the local health department, shall inform the individual of appropriate action. Follow-up must not violate any person's privacy.
 - b. Staff Development
 - i. All employees identified in category one (1) or category two (2) job classifications shall participate in an annual blood borne pathogens exposure control program that provides guidance on infection-control procedures.
 - c. Athletics.
 - i. All employees must consistently adhere to infection control guidelines in locker rooms, at play, and in athletic settings.
 - ii. All physical education teachers and athletic program staff must complete regularly scheduled approved cardio-pulmonary resuscitation ("CPR") and first aid courses that include implementation of infection control guidelines.
2. Reasonable Accommodations

It is recognized that employees with any illness may wish to continue to work. As long as employees are able to meet acceptable performance standards and medical evidence indicates that their condition is not a threat to themselves or to others, they shall be assured continued employment. If it becomes necessary, reasonable accommodations shall be made to enable the qualified individual to continue to work. All information regarding the health of any employee shall be held in strict confidence and released only to those who have a legitimate need to know.
3. Protection of Employees
 - a. Provisions shall be made for reasonable accommodations to infected board employees.
4. Continued Employment
 - a. Employees with any illness, including persons with infectious diseases, shall be assured continued employment as long as they are able to meet acceptable performance standards and medical evidence indicates that their condition is not a threat to themselves or others.
 - b. If it becomes necessary, reasonable accommodations shall be made to enable the qualified individual to continue to work.
5. Disclosure

Employees of the board may not be compelled or required to reveal, disclose, or report that they have been tested for and/or determined to be infected by the HIV or AIDS or to submit to testing for HIV
6. Confidentiality

If the Academy President or Management Company Representative receives notice pursuant to § 384.25(5), Fla. Stat., that an employee has tested positive for HIV/AIDS, the confidentiality requirements of § 384.29, F.S., shall be strictly adhered to.

 - a. No statement, report, record or writing of any material concerning such information shall be placed in any personnel file maintained for such employee
 - b. If the Academy President or Management Company Representative receives notice that an employee has tested positive for HIV/AIDS, that information shall be communicated to persons who have experienced a significant exposure to the blood or body fluids of the person(s) who are the subject of the notice. The infected employee shall be advised that such notice will be given and to whom the notice will be given. The persons so advised shall at the same time be advised of the confidentiality provisions of § 384.29, F.S., and the penalty for violation of those provisions.

EMPLOYEES AND INFECTIOUS DISEASE OR HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION

Page 2 of 2

- c. A significant exposure to the blood or bodily fluids of a person who has tested positive for HIV/AIDS is an exposure by direct contact with the body or bodily fluid of a person who has tested positive for HIV/AIDS by another person; which exposure is of the nature which carries with it the reasonable possibility of infection of the person so exposed.
- d. Records of notice of a positive test for HIV/AIDS shall be maintained separate and apart from any files generally accessible by district employees or board members and any file which may be subject to public inspection under Chapter 119, F.S.
- e. Any employee of the board who learns that an employee of the Board has tested positive for HIV/AIDS will not communicate that information to any other employee, or the general public, or news media, or directly contact the person who has tested positive about the test results.

Authority: §§ 230.23(17); 230.23005, Fla. Stat

Implemented: §§ 381.004; 384.29, Fla. Stat.

History: New: 7/01/2004; Revised: 7/07/2004, 3/11/2010

Reference: Palm Beach School District Policy 3.81

EMPLOYMENT OF CERTIFIED PERSONNEL

1. Each person employed as a member of the instructional staff of this district shall be properly certificated.
2. It shall be the responsibility of the individual to obtain current information regarding requirements for the temporary and professional certificates by contacting the district's certification office or the Florida Bureau of Teacher Certification, Tallahassee, Florida 32399-0400.
3. The Academy President or Management Company Representative shall promulgate administrative directives specifying the responsibility of personnel to obtain and maintain valid Florida certification in accord with state statutes and Florida Department of Education rules.

Authority: 1002.33 FS

Implemented: 1002.33 FS

History: 7/01/2004; Revised: 7/07/2005, 3/11/2010

Reference: Palm Beach School District Policy 3.84

South Tech Charter Academy, Inc. Board Policy **3.85**

**EMPLOYMENT OF SUBSTITUTE, TEACHERS, TEACHERS OF ADULT EDUCATION, AND
NON-DEGREED TEACHERS OF CAREER PROGRAMS**

The Board authorizes the Academy President or Management Company Representative to employ substitute teachers, teachers of adult education, and non-degreed teachers of career programs.

All the above referenced teachers must file a complete set of fingerprints as stipulated for employment, and as required by Fla. Stat. § 1012.39.

Non-degreed substitute teachers are required to show evidence of a minimum of (30) semester hours of college credit. Compensation for substitute teachers can be found on the district's website at: <http://www.palmbeach.k12.fl.us/jobs/publications/salaryhandbook.htm>, and that document is incorporated herein by reference.

For adult and career program teachers, as provided by law, a bachelor's degree or the appropriate license and/or verifiable work experience is required.

The above-referenced teachers must meet the requirements for their position and follow the employment procedures as set in Florida Statutes and State Board of Education Rules, including, but not limited to Fla. Stat. §§ 1012.24, 1012.35, 1012.39, and 1012.43; and SBER 8A-1.052, 8A-2.053, 6A-4.001, 6A-6.010, and 6A-6.014.

Authority: Fla. Stat. §§ 1001.41(2), 1001.43(11),
1012.23(1), 1012.39

Implemented: Fla. Stat. §§ 1012.22, 1012.24, 1012.35,
1012.39, 1012.43

History: New: 7/01/2004; Revised: 7/07/2005, 09/06/2007, 3/11/2010

Reference: Palm Beach School District Policy 3.85

DRUG AND ALCOHOL FREE WORKPLACE

Page 1 of 9

1. Purpose and Scope

- a. The Governing Board of South Tech Charter Academy, Inc. Inc. hereby affirms its commitment to maintaining a drug-free workplace. The term “drug-free” includes “alcohol-free”.
- b. A drug-free awareness program, such as that provided by **Total Compliance Network, Inc. (TCN)**, is hereby established and will be implemented by the South Tech Charter Academy, Inc. President or Management Company Representative by implementation of this Policy and the provisions of Fla. Stat. §§ 440.101 and 440.102 and rules for the Agency for Health Care Administration (the Drug-Free Workplace Standards set forth in Fla. Admin. Code Rules 59A-24.003 – 59A-24.008).
 - i. Before testing is initiated under this Policy, each current employee, applicant, and volunteer will be provided a copy of a **Policy Statement/Notice**, (to be supplied by TCN), which is incorporated in this Policy by reference in compliance with Fla. Stat. § 440.102(3)(a).
 - ii. Pursuant to Fla. Stat. § 440.102(3)(b), there will be a 60-day period between the notice to employees, applicants, and volunteers that a drug-testing program is being implemented, and the beginning of actual drug testing. For good measure, the Academy will issue a second notice to employees during that 60-day period.
 - iii. This Policy shall apply to all Academy employees, job applicants, and volunteers, as defined in section (2) below, except those subject to Palm Beach School District Policy 3.961. All job applicants will be provided a copy of drug-free workplace notice with a conditional offer of employment and all volunteers will be provided a copy of the notice before any volunteer activities are performed. Each employee will sign an acknowledgment of receipt and understanding of the drug-free workplace policy statement/notice, and that acknowledgment will be retained in the employee's personnel file. Copies of a drug-free workplace notice shall be posted in prominent locations in Academy buildings.
- c. Through the establishment of a standard drug-testing program, all employees, job applicants, and volunteers shall be subject to drug testing as a condition of employment or may be a condition of commencing volunteer activities under the terms and circumstances described in this Policy. Employees who violate this Policy shall be subject to disciplinary action, up to and including termination of employment, consistent with the applicable collective-bargaining agreement, if any. Job applicants who violate this Policy will not be hired; and volunteers who violate this Policy will not be allowed to perform further volunteer service.
- d. Prohibited under this Policy are the unlawful manufacture, distribution, dispensation, possession, or use of drugs (including alcohol or controlled substances), as listed in Fla. Stat. § 440.102 or defined by Fla. Stat. Chapter 893), on District property or while on duty.
- e. Reporting for duty or remaining on duty under the influence of drugs (alcohol or a controlled substance) is prohibited, except when the use of a controlled substance is pursuant to the prescribed instructions of a licensed medical practitioner who has advised the individual that the substance will not adversely affect the individual's ability to safely perform all assigned duties
- f. Off-the-job use or involvement with illegal drugs, alcohol, or other controlled substances may also subject an employee to disciplinary action under applicable Board Policies such as 3.12 and 3.13; applicable State Board of Education Rules such as 6B-4.009(2), (5); and the applicable collective-bargaining agreement, if any.
- g. Through the implementation of this Policy, the Board intends to comply with and be subject to current and future requirements contained in the Drug-Free Workplace Act of 1988 and Fla. Stat. §§ 440.101 and 440.102. The standards and procedures contained in this Policy are separate from all tests and procedures contained in Palm Beach School District Policy 3.96.1 (addressing holders of safety-sensitive positions and commercial drivers' licenses) because, under federal regulations in 49 C.F.R. part 40, drug tests for purposes of Department of Transportation policies must be separate from non-DOT tests in all respects.

DRUG AND ALCOHOL FREE WORKPLACE

Page 2 of 9

2. **Definitions** - For the purpose of this Policy, the following terms shall be defined as indicated:
- a. **Alcohol** - Any beverage, prescription, over-the-counter medication, or other product containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol, and isopropanol.
 - b. **Alcohol Use** - The drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.
 - c. **Alcohol Test** - Analysis of a blood sample to determine the blood alcohol level (BAL), as distinguished from the more general term "drug test."
 - d. **Applicant** - Any individual who has applied for a position with the Academy and has been offered employment conditioned upon successfully passing a drug test
 - e. **Blood Alcohol Level** - The alcohol level as expressed in terms of milligrams of alcohol per 100 milliliters of blood; "0.04" indicates four tenths of a percent of the blood serum in the sample is alcohol. Blood samples will be used for both initial and confirmation testing for BAL under this Policy. (BAL testing under Palm Beach School District Policy 3.96.1 shall be as prescribed in that Policy.)
 - f. **Chain of Custody** - The procedure used to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition for all specimens by an appropriate drug testing custody form that documents custody of the specimen from collection to receipt by the laboratory and handling of the sample or sample aliquots (a portion of a specimen used for testing) within the laboratory.
 - g. **Confirmation Test for Alcohol** - A second test (following an initial alcohol test with a result of four one-hundredths BAL (0.04) or greater) that provides specific quantitative data for alcohol.
 - h. **Confirmation Test for Drugs** (Other than Alcohol) - A second analytical procedure, following an initial drug test, used to confirm the presence of a specified drug or metabolite in a specimen through a different technique and chemical principle from that of the screen test to ensure specificity, sensitivity, reliability, and quantitative accuracy. Gas chromatography/mass spectrometry ("GC/MS") is the only authorized confirmation test for cocaine, marijuana, opiates, amphetamines, and phencyclidine.
 - i. **Confirmed Test or Confirmed Drug Test.** - A screening result confirmed by a second analytical procedure used to confirm the presence of a specified drug or metabolite in a specimen through a different technique and chemical principle from that of the screen test to ensure specificity, sensitivity, reliability, and quantitative accuracy. Gas chromatography/mass spectrometry ("GC/MS") is the authorized confirmation test for cocaine, marijuana, opiates, amphetamines, and phencyclidine.
 - j. **Drug Rehabilitation Program** - A service vendor that provides confidential, timely, and expert identification, assessment, and resolution of employee drug abuse through the District's Employee Assistance Program ("EAP").
 - k. **Drug Test.** - A chemical, biological, or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Florida Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug (including alcohol) or its metabolites. South Tech Charter Academy, Inc. will use the services of Total Compliance Network, Inc. The Academy shall pay for all drug tests, initial and confirmation, that it requires of employees. Employees must pay for any additional tests not required by the Academy. A urine sample will be used for the initial and confirmation tests for all drugs and substances (except alcohol, for which blood samples are used).
 - l. **Drug (hereinafter, Drugs or Controlled Substance(s)).** -- Alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate or narcotic; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this subsection. The District may test an individual for any or all such drugs.
 - m. **Employee** - The term "employee" means any person who works for the Academy for salary, wages, or other remuneration.

DRUG AND ALCOHOL FREE WORKPLACE

Page 3 of 9

- n. **Employee Assistance Program ("EAP")** - An established program capable of providing expert assessment of an employee's personal concerns; confidential and timely identification services for employee drug or alcohol abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work.
 - o. **First Offense** - An initial violation of this drug-free workplace Policy whether it involves drugs or alcohol.
 - p. **Fitness for Duty** - As Fla. Stat. § 440.101(2) requires that "an employee [shall] refrain from reporting to work or working with the presence of drugs or alcohol in his or her body," for purpose of this Policy "fitness for duty" means being in a mental and physical condition appropriate for work, including but not limited to being sober in accordance with this Policy. The term also applies to applicants (meaning fitness to begin working for the Academy) and volunteers (fitness to continue serving in volunteer functions).
 - q. **Initial Drug Test**.- A sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using a scientifically accepted method approved by the U.S. FDA or the Florida Agency for Health Care Administration.
 - r. **Medical Review Officer (MRO)** - A licensed physician, employed with or contracted by the Academy, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.
 - s. **Positive Breath Test**.- A test showing a concentration of four one-hundredths (0.04) BAC or above
 - t. **Reasonable-Suspicion Drug Testing** - Drug testing based on a belief that an employee, applicant, or volunteer is using or has used drugs in violation of this Policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience.
 - u. **Screening Test** (also known as an **Initial Test** or **Initial Drug Test**) - In alcohol testing, an analytical procedure to determine whether an employee, job applicant, or volunteer may have a prohibited concentration of alcohol in his/her system. In controlled substance testing, an immunoassay screen to eliminate "negative" urine specimens from further consideration.
 - v. **Second Offense** - Any violation of this drug-free workplace Policy (whether by alcohol or other drugs) following the initial violation, whether either violation involves alcohol or other drugs, constitutes the second offense
 - w. **Specimen** - Tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the U.S. FDA or the Florida Agency for Health Care Administration.
 - x. **Substance Abuse Professional ("SAP")** - A person with knowledge of and clinical experience in the diagnosis and treatment of drug-related disorders who evaluates employees and makes recommendations concerning education, treatment, follow-up testing, and aftercare.
 - y. **Volunteer** - An individual who offers services to the Academy without remuneration.
3. **Notice of Conviction**-- In addition to any separate requirements of Policy 3.13 ("Self-Reporting of Arrests and Convictions by South Tech Charter Academy, Inc. Employees"), an employee convicted of a violation of any criminal drug statute for conduct that occurred on Academy property shall notify the South Tech Charter Academy, Inc. President or Management Company Representative within five (5) working days after the conviction. Within ten (10) working days of receipt of such a notification, the President or Management Company Representative will notify the U.S. Department of Education of the conviction, as prescribed in 41 U.S.C. § 702.
4. **Prohibited Conduct** - The following types of conduct are expressly prohibited for all employees, applicants, and volunteers and shall result in disciplinary action up to and including termination of employment (or termination of volunteer services), consistent with the applicable collective-bargaining agreement, if any.

DRUG AND ALCOHOL FREE WORKPLACE

Page 4 of 9

- a. **On-Duty** - No employee, applicant, or volunteer shall use drugs, including alcohol, while performing their duties. The manufacture, distribution, dispensation, possession or use of drugs (including alcohol) on Academy property or while on duty is prohibited, except as otherwise permitted in this Policy under medical prescription under Section (4)(c), above.
 - b. **Off-the-Job** - Off-the-job use or involvement with illegal drugs, alcohol, or other controlled substances may subject an employee to disciplinary action under applicable Board Policies such as 3.12 and 3.13; applicable State Board of Education Rules such as 6B-4.009(2), (5); and the applicable collective-bargaining agreement, if any.
 - c. **Controlled Substance(s)/ Drug/Alcohol Use or Abuse** - No employee or volunteer shall report for duty or remain on duty while under the influence of, or impaired by, drugs (including alcohol)--as may be shown by the behavioral, speech, or performance indications of use or abuse--or any controlled substance except when the use is pursuant to prescribed instructions of a licensed medical practitioner who has advised the individual that the substance will not adversely affect the individual's ability to safely perform all work duties. As a condition of employment, employees are required to remain away from the place of duty and off school property if under the influence of drugs.
 - d. **Alcohol Concentration** - No employee shall report for duty or remain on duty while having a blood alcohol concentration of four one-hundredths (0.04) or more.
 - e. **Use Following an Accident** - No employee or volunteer involved in an on-the-job vehicular or other work-related accident shall use alcohol for eight (8) hours following the accident, or until after undergoing a post-accident alcohol test, whichever occurs first. This subsection shall be construed consistent with subsections (4)(b) and (c).
 - f. **Refusal to Submit to a Required Drug Test** - Following an on-the-job vehicular or other work-related accident, no employee shall refuse to submit to a post-accident drug (alcohol or controlled substances) test; nor shall an employee refuse to submit to a reasonable suspicion drug test, a fitness for duty drug test, or a follow-up drug test. Failure to complete and sign testing form(s), to provide an adequate specimen, or other failure to cooperate with the testing process in a way that prevents the completion of the test shall be considered a refusal to test and shall be deemed a positive test result. Any attempt to adulterate a specimen or provide a specimen that is adulterated shall also be considered a refusal to test and will be deemed a positive test result. Any obstruction to and lack of cooperation with the testing process shall be considered a refusal to test and deemed a positive test result.
 - g. **Testing Positive** - No employee or volunteer shall report for duty or remain on duty after testing positive for alcohol or other drugs, until cleared to return. While waiting for clearance, the employee shall be placed in a non-duty status. From the time the test is confirmed positive, the non-duty status shall be unpaid; but the employee shall be given the option of using any accumulated annual or sick leave credits before the leave is ordered to be without pay (unless the employee is incarcerated, in which case annual or sick leave is not an option), and the District will restore the leave hours taken (or the unpaid wages if leave hours were not used) if an appeal under Section (10) shows the confirmed positive test was due to another reason such as prescription or nonprescription medication lawfully taken.
5. **Testing Procedures** - All drug testing will be conducted by a South Tech Charter Academy, Inc.- designated laboratory (**Total Compliance Network, Inc.**) that is licensed and approved by the Agency for Health Care Administration (AHCA) or is certified by the U.S. Department of Health and Human Services. The testing will be conducted with appropriate chain of custody procedures as specified by AHCA to ensure accuracy and continuity in specimen collection, handling, transfer, and storage.
6. **Referral for Testing** -Appropriate notification and testing forms will be provided to employees, job applicants, and volunteers before drug testing.

DRUG AND ALCOHOL FREE WORKPLACE

Page 5 of 9

7. **Voluntary Self-Referral/Rehabilitation** - At any time before notification of a required test, an employee is encouraged to contact the District's EAP for voluntary treatment of a substance problem. Such employees may be required to submit to compliance testing as part of the treatment program. Voluntary self-referral made at the time of notification shall not excuse an employee from required drug/alcohol testing, nor shall it negate a positive result from such test. An employee will not be subject to discharge or disciplinary action solely on the basis of voluntary self-referral for treatment.
8. **Kinds of Testing** - Random testing of employees shall not be conducted, except for those employees subject to Palm Beach School District Policy 3.961. To maintain a drug-free work environment, the Academy will test for the presence of drugs, including alcohol, in the following circumstances:
 - a. **Pre-Employment Screening** - Pre-employment screening will be required of all applicants before employment with the Academy. Any applicant who tests positive in the pre-employment screening for a drug as defined in this Policy will not be hired and is not eligible to re-apply for employment with the Academy for one year following the confirmed positive test. Similarly, a person applying to be a volunteer may be subject to pre-service screening in some cases, based upon whether the volunteer applicant has a known history of substance abuse, alcohol, or other drug-related problems.
 - b. **Reasonable Suspicion**
 - i. All employees/applicants/volunteers who are determined to be under reasonable suspicion of drug use are required to take a drug test. Reasonable suspicion shall be determined by a supervisor at least one level above the individual to be tested. The circumstances supporting that determination must be drawn from specific objective and articulable facts that shall be documented in writing. Reasonable suspicion may include, but is not necessarily limited to, the following examples:
 - A. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug. Physical symptoms or manifestations may include, but are not limited to, slurred speech, alcohol odor on breath, unsteady walking and movement, poor coordination and/or reflexes, glassy or bloodshot eyes, physical altercations, verbal altercations, or unusual behavior;
 - B. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
 - C. Credible documented evidence that an individual has tampered with a drug test during the term of employment;
 - D. Credible documented information that an employee has caused, or contributed to, an accident while at work; or
 - E. Credible documented evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on South Tech Charter Academy, Inc. premises or while operating the Academy's vehicle, machinery, or equipment.
 - ii. Where testing is based on reasonable suspicion, the supervisor will detail in writing the circumstances that formed the basis of the reasonable suspicion determination. A copy of this written description shall be given to the employee/applicant/volunteer upon request and the original documentation shall be kept confidential and exempt from the provisions of Fla. Stat. § 119.07(1), as provided in Fla. Stat. § 440.102(8), and retained for at least one year.
 - c. **Post-Accident Reasonable-Suspicion Test**
 - i. As soon as practicable under the following circumstances, post-accident reasonable-suspicion testing will be done on all employees/applicants/volunteers who are involved as a driver in any vehicular accident while performing their duties:

DRUG AND ALCOHOL FREE WORKPLACE

Page 6 of 9

- A. on a surviving employee/applicant/volunteer when an accident results in loss of human life. The employee/applicant/volunteer need not have been cited for a moving traffic violation or deemed at fault to be subject to testing under this paragraph.
 - B. when an employee/applicant/volunteer receives a citation for a moving violation(s) and one (1) or more of the vehicles involved in the accident is towed from the scene of the accident; or
 - C. when an employee/applicant/volunteer receives a citation for a moving violation(s) and one (1) or more persons involved in the accident received medical treatment away from the scene of the accident.
- ii. An employee, applicant, or volunteer who is subject to reasonable suspicion post-accident testing shall remain readily available for such testing. Failure or refusal to be available for testing may be deemed by the Academy as a refusal to submit to testing. As stated in Fla. Stat. § 440.101(2), ". . . it is a condition of employment for an employee to refrain from reporting to work or working with the presence of drugs or alcohol in his or her body and, if an injured employee refuses to submit to a test for drugs or alcohol, the employee forfeits eligibility for medical and indemnity [workers compensation] benefits." This provision shall not be construed as requiring the delay of necessary medical attention for injured persons following an accident or impeding an employee/applicant/volunteer from leaving the scene of an accident to obtain necessary assistance in responding to the accident or to obtain necessary emergency care.
 - iii. If alcohol testing is not administered within eight (8) hours following an accident, the Academy may not conduct alcohol testing based on the accident provision. Likewise, if other drug testing is not administered within thirty-two (32) hours following the accident, the Academy may not conduct controlled substance testing based on the accident provision. The Academy is required to document those instances when testing is not timely conducted according to the time frames noted above.
 - iv. Following an accident, the Academy will provide the employee, applicant, or volunteer transportation to a testing facility by a person designated for that purpose. After testing, the employee/applicant/volunteer will be transported to the place of residence.
 - v. An employee pending results of a post-accident drug test shall be placed in a non-duty status and required to use annual or sick leave (the non-duty status shall be unpaid if the employee does not have such leave hours available). If an alcohol test yields a result of less than four one-hundredths (0.04) BAL or a controlled substances test yields a negative result, the Academy will restore the leave hours taken (or the unpaid wages if leave hours were not used). A volunteer pending post-accident test results will be placed in a non-duty status on a similar basis.
 - vi. Notwithstanding the absence of a reasonable suspicion alcohol test under this section, the Academy shall not permit an employee or volunteer involved in an accident described above to perform or continue to perform duties until:
 - A. an alcohol test is administered and the employee's alcohol concentration measures less than four one-hundredths (0.04) BAL; or
 - B. twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the prohibitions of this Policy concerning the use of alcohol.
 - vii. The results of a post-accident drug test administered by federal, state, or local officials having independent authority for the test may be used to satisfy this section, provided the test complies with applicable federal, state, or local requirements and the results of the test are timely obtained by the Academy.
- d. **Fitness for Duty** - For purposes of this Policy, all employees or volunteers who are subject to a fitness-for-duty medical examination may be required to take a drug test (including a blood alcohol level test) as part of their medical examination.
 - e. **Follow-up Testing** - All employees who have successfully completed an employee assistance program or a drug or alcohol rehabilitation program and return to duty must submit to unannounced drug and alcohol tests at least once a year for a two-year (2-year) period after

DRUG AND ALCOHOL FREE WORKPLACE

Page 7 of 9

completion of the program. Advance notice of a follow-up testing date must not be given to the employee to be tested.

9. Results Reporting

- a. The Medical Review Officer (MRO) shall contact the tested employee, applicant, or volunteer directly on a confidential basis before confirming a positive initial test result.
- b. The MRO shall give the employee/applicant/volunteer an opportunity to discuss the initial test result. If the MRO makes reasonable, documented efforts to reach the employee/applicant/volunteer and is unable to do so, the MRO shall inform the Academy's designated representative, who shall then direct the tested employee/applicant/volunteer to contact the MRO as soon as possible.
- c. If, after making all reasonable efforts, the Academy's designated representative is unable to contact the employee/applicant/volunteer, the District may place the employee on temporary medically unqualified status or medical leave. (or may place an applicant or volunteer on similar temporary status).
- d. The MRO communication with the tested employee/applicant/volunteer is important to the confirmation of a positive test result; however, in three (3) circumstances the MRO will report a confirmation test result as positive to the District without having communicated directly with the employee/applicant/volunteer:
 - i. the employee/applicant/volunteer declines the opportunity to discuss the test with the MRO;
 - ii. the Academy representative has successfully contacted the tested employee/applicant/volunteer and provided specific notice to communicate with the MRO and more than five (5) working days have passed since the contact and notice by the Academy; or
 - iii. neither the MRO nor the Academy representative, after making all reasonable efforts, has been able to contact the individual within fourteen (14) calendar days of the date on which the MRO receives the confirmed positive test result.
- e. Following the confirmation of a positive test result, the MRO shall refer the case to the Academy's Personnel Manager pursuant to Fla. Stat. § 440.102(5)(h).
- f. After the MRO reporting of a confirmed positive test result to the Academy, the tested employee/applicant/volunteer may contact the MRO and present information documenting the reasons (serious illness, injury or other circumstances) that prevented the employee/applicant/volunteer from communicating with either the MRO or the Academy representative regarding the initial test and the need for a confirmation test. The MRO may, in such cases, reopen the confirmation determination and allow the individual to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO will revise the previous positive determination and declare the test to be negative.
- g. The Academy shall provide, upon request, a copy of the test results to the tested employee, volunteer, or job applicant.

10. Challenges to Test Results

- a. A positive test result does not automatically identify an employee/applicant/volunteer as having used drugs in violation of this Policy; therefore, providing the MRO (through, or on behalf of, the Academy) with detailed knowledge of possible alternative explanations is important to the review of results and is the responsibility of the employee/applicant/volunteer.
- b. Pursuant to Fla. Stat. § 440.102(5)(h), within five (5) working days after receipt of a positive confirmed test result from the MRO, the Academy shall inform the employee/applicant/volunteer in writing of such positive test result, the consequences of such results, and the options available to the employee/applicant/applicant. One of those options is that within five (5) working days after receiving notice of a positive confirmed test result, the employee/applicant/volunteer may submit information to the Academy (or MRO in the Academy's stead) explaining or contesting the test result, and explaining why the result does not constitute a violation of this Policy. If the employee's/applicant's/volunteer's explanation or challenge of the positive test result is unsatisfactory to the Academy, or MRO on the Academy's behalf, a written explanation as to why the explanation is unsatisfactory, along with

DRUG AND ALCOHOL FREE WORKPLACE

Page 8 of 9

- the report of positive result, shall be provided by the Academy to employee/applicant/volunteer.
- c. Additionally, consistent with Fla. Stat. § 440.102(5)(h) and (6)(d), the MRO, on behalf of the Academy, shall notify an employee/applicant/volunteer whose test result has been confirmed as positive of the right to request an independent analysis within seventy-two (72) hours. If the employee requests the independent analysis within seventy-two (72) hours, the MRO shall take appropriate action to direct the analysis. Such independent analysis shall be conducted by "split specimen," at the employee's/applicant's/volunteer's expense, with sufficient specimen being retained for later verification testing. If the employee/applicant/volunteer fails to contact the MRO within seventy-two (72) hours but later contacts the MRO and presents information documenting the reasons (serious illness, injury, inability to contact the MRO, lack of actual notice of a confirmed positive test result or other circumstances) that prevented the individual from timely contacting the MRO, the MRO may conclude that there is a legitimate explanation for the employee's/applicant's/volunteer's failure to contact the MRO within seventy-two (72) hours and may direct the analysis of the split specimen.
 - d. The tested employee/applicant/volunteer shall bear the expense of any testing of a specimen requested by that individual.
 - e. All aspects of the testing process, including any challenge to the testing process, will be kept confidential to the extent allowed by law, except as stated below in Section (12) of this Policy.
- 11. Disciplinary Action for Positive Test Results** - A positive test result shall require the employee's or volunteer's immediate removal from duty.
- a. No employee or volunteer shall perform duties after testing positive for drugs until the terms specified in this Policy have been satisfied.
 - b. An employees whose test is confirmed positive for an unlawful controlled substance (including a prohibited blood alcohol level) shall be subject to disciplinary action up to and including termination of employment, consistent with the applicable collective bargaining agreement, if any. Refusal to submit to a drug test shall be treated as a positive test result
 - c. Applicants who test positive for drugs will not be hired; and volunteers who test positive will not be allowed to perform further volunteer functions.
 - d. Pursuant to Fla. Stat. § 440.101(2), "if a drug or alcohol is found to be present in the employee's system at a level prescribed by rule adopted pursuant to this act, the employee may be terminated and forfeits his or her eligibility for medical and indemnity benefits [under Chapter 440]" consistent with Fla. Stat. §§ 440.102(12) and 440.102(5)(p).
- 12. Confidentiality**
- a. All information, interviews, reports, statements, memoranda, and test results received or produced under the programs established by this Policy are confidential and exempt from the provision of Fla. Stat. § 119.07(1) and Fla. Const. Art. I, § 24(a). This information may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except as specified below or as required by law:
 - i. upon written consent of the employee/applicant/volunteer tested (such a consent must include the name of the person to receive the information; the purpose of the disclosure; the precise information to be disclosed; the duration of the consent; and the signature of the person authorizing release);
 - ii. when ordered by an administrative law judge, a hearing officer, a court of competent jurisdiction, or a professional or occupational licensing board in a related disciplinary proceeding;
 - iii. the information has been placed at issue in a formal dispute or any discipline proceedings between the employer and the employee;
 - iv. the information is to be used as necessary in administering an employee assistance program;
 - v. the information is needed by medical personnel for the diagnosis or treatment of the employee or volunteer in the event the employee or volunteer is unable to authorize disclosure; or

DRUG AND ALCOHOL FREE WORKPLACE

Page 9 of 9

- vi. within various Academy or Charter Sponsor District departments when consulting with legal counsel in connection with actions related to the information or when the information is relevant to defense of a civil or administrative matter.
- 13. **Academy Designated Representative** - All questions concerning this Policy should be directed to the Personnel Manager or to such other Academy official as the President or Management Company Representative may designate.
- 14. **Notice to Employees, Applicants, and Volunteers** - The President or Management Company Representative or designee has prepared a **Notice**, referenced above in paragraph (1)(b)(i), satisfying the requirements of Fla. Stat. § 440.102(3)(a), to be distributed to all District employees, applicants, and volunteers prior to testing.
- 15. **Interpretation** - This Policy shall be interpreted and applied consistent with Fla. Stat. §§ 440.101 and 440.102 and applicable State rules and federal law.
- 16. **Required Training** - Any supervisor or other employee who is assigned the responsibility for making a reasonable-suspicion determination shall complete a training program of at least sixty (60) minutes on alcohol misuse and sixty (60) minutes on controlled substance abuse. The training should include, but not be limited to:
 - a. the dangers of drug (including alcohol) abuse;
 - b. the prohibition of drug (including alcohol) use or introduction into the workplace;
 - c. the Board's Policy of maintaining a drug-free workplace and the types of testing that will be conducted;
 - d. contact information for available drug (including alcohol) counseling and rehabilitation;
 - e. contact information for the Employee Assistance program;
 - f. the consequences of refusing to submit to testing;
 - g. all drugs included in testing under this Policy;
 - h. the procedures for challenging a positive confirmed test result;
 - i. the confidentiality provisions of this Policy; and
 - j. penalties to be imposed for violations of this Policy.

Authority: § 1001.41(1), (2); 1001.43(11); 440.102(7)(d), Fla. Stat.

Implemented: §§ 440.101; 440.102, Fla. Stat.; 41 U.S.C. § 701, et seq.; 34 C.F.R. Part 85.

History: New: 08/04/2005; Revised: 3/11/2010

Reference: Palm Beach School District Policy 3.96

RULES OF THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA
Title 6Gx50
Chapter 3. Personnel Section 3.08

Policy 3.08 District Personnel Files

1. **Purpose.** It is necessary for the orderly operation of the School District to prepare and maintain personnel information for the retention of appropriate files bearing upon employees of the District. This policy is to ensure that employee information maintained in personnel files is accurate, relevant, and safe from improper disclosure and complies with applicable laws.
2. **Policy Statement.** The School Board recognizes its responsibility to maintain accurate personnel records and files and to protect the confidentiality and privacy of any personnel records determined to be exempt and confidential by Florida laws or other laws. Thus, an official personnel file will be maintained by the Superintendent or designee for each person employed by the District. For the purposes of this policy, the term "personnel file" shall mean all records, information, data, or materials maintained by the District, in any form or retrieval system whatsoever, with respect to an employee, which is uniquely applicable to that employee whether maintained in one or more locations.
 - a. Personnel files shall include the following information where appropriate:
 - i. Only materials pertaining to the employee's work performance, discipline, suspension or dismissal will be placed in the employee's personnel file. In accordance with [Fla. Stat. §1012.31](#), such materials shall be reduced to writing in the time period required by law, executed by a person competent to know the facts or make a judgment; and provided by copy to the employee in the manner as required by law. The employee has the right to answer in writing any such materials and shall be afforded due process rights as outlined in [Fla. Stat. §1012.31](#).
 - ii. Personnel files shall not contain anonymous letters or anonymous materials. Derogatory materials relating to an employee's conduct, service, character or personality shall not be placed in the employee's personnel file except for materials specifically referenced in the above paragraph.
 - iii. No documents or other materials may be removed from an employee's personnel file unless by court order, or due to inadvertent misfiling.
3. **Access to Personnel Files.**
 - a. *Public Access.* The personnel file of each School Board employee, regardless of location in the school system, is open to inspection and available for review to any person requesting to do so, except for personnel records which are currently provided by law to be confidential and excluded from public inspection as follows:
 - i. Any complaint and any material relating to the investigation of a complaint against an employee until the conclusion of the preliminary investigation, or until such time as the preliminary investigation ceases to be active as defined in Florida Statutes.
 - ii. Employee evaluations prepared pursuant to Florida Statutes, State Board of Education rules, or School Board policies shall be confidential until the end of the school year immediately following the school year during which each evaluation is made.
 - iii. Employee evaluations prepared prior to July 1, 1983.
 - iv. Payroll deduction records of employees.
 - v. Employee medical records, including medical claims, psychiatric and psychological records; provided however, at any hearing relative to an employee's competency or performance, the hearing officer or panel shall have access to such records.

- vi. Materials derogatory to the employee until ten (10) days after the employee has been notified, by certified mail or hand delivery, pursuant to [Fla. Stat. §1012.31](#), as now or hereafter amended.
 - vii. Any information in a report of injury or illness filed pursuant to Florida Statutes that would identify an ill or injured employee.
 - viii. Any other information which is exempt from disclosure pursuant to State or Federal law.
- b. *Employee Access.* An employee, or any person designated in writing by the employee, may review the employee's personnel file during the regular business hours of the District.
 - c. *Official Access.* The following persons shall have access to the complete personnel file of each employee at all times.
 - i. School Board members, the Superintendent or designee, and school principals or designees in the exercise of their respective duties.
 - ii. Law enforcement personnel in the conduct of a lawful criminal investigation.
 - iii. School Board Attorney and other attorneys for the School Board, as designated representatives on matters of District business.
 - iv. The Internal Auditor, when such inspection is pertinent to carrying out his or her respective duties, or as otherwise specifically authorized by the Audit Committee or the School Board.
4. *Maintenance of Access Records.* A record shall be maintained in the employee's file each time it is reviewed. This record shall include the name of the person reviewing the file, date of the review and identification of any document(s) reproduced from the file.

STATUTORY
AUTHORITY:

Fla. Stat. §§ [1001.22](#), [1001.41](#), [1001.42](#), [1012.23](#)

LAWS IMPLEMENTED:

Fla. Stat. §§ [112.08\(7\)](#), [441.85\(10\)](#), [1001.43](#), [1012.31](#); [34 CFR 99 \(FERPA\)](#), [45 CFR 164 \(HIPAA\)](#)

HISTORY:

3/3/2010

RULES OF THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

Title 6Gx50
Chapter 3. Personnel
Section 3.09**Policy 3.09 Social Security Numbers**

1. **Purpose.** -- A social security number is considered confidential and exempt from public inspection in accordance with Florida Statutes. The primary purpose of this policy is to ensure that the necessary procedures and awareness exist to ensure that School District employees comply with both the letter and spirit of the Florida Public Records Act, and the Privacy Act of 1974.
2. **Policy.** -- The School District collects and maintains social security numbers of its employees, students, vendors and others in the ordinary course of its business and as required by law. The School District will handle social security numbers with a high degree of security and confidentiality. In an effort to protect the privacy rights of individuals who provide social security numbers to the School District and to manage its records and records systems responsibly, District employees will:
 - a. Ensure the confidentiality of social security numbers in conformance with Florida law;
 - b. Not unlawfully disclose, transfer or use an individual's social security number;
 - c. Strictly limit access to records and records systems containing social security numbers to those who have a business related reason to know this information; and
 - d. When disposing of records with social security numbers, dispose of such records in a responsible manner that minimizes risk that the social security numbers can be accessed inappropriately.
3. **Collection from Applicants or Employees.**
 - a. Social security numbers shall be collected only when allowed by law or when necessary for the performance of the school system's duties.
 - b. The School District shall collect the social security number of each applicant and employee for the following purposes:
 - i. Verification of citizenship or immigration status, as required by the U. S. Department of Homeland Security or other governmental agencies.
 - ii. Employee benefit processing, including membership in the Florida Retirement System, health insurance, insurance, or other benefits offered to employees by the School Board.
 - iii. Compliance with the reporting requirements for the Internal Revenue Service, U. S. Social Security Administration, Unemployment Compensation, Florida Agency for Workforce Innovation, Florida Department of Education and such other official reporting responsibilities imposed by law.
 - iv. Processing pre-employment and post-employment criminal background checks required by law.
 - v. For such purposes as may be directed by the employee, such as direct deposit of wages or salary, payroll deductions, etc.
 - c. Social security numbers or federal employer identification numbers shall be collected from all vendors to facilitate vendor record keeping by the School District and to permit compliance with income reporting requirements of the Internal Revenue Service, including but not necessarily limited to issuance of U.S. Internal Revenue Form 1099.
4. **Collection from Students.** -- Student social security numbers are confidential and will only be released in accordance with the consent requirement set forth in § 1002.22(3)(d), Florida Statutes, or as otherwise provided by

that section. Social security numbers may be collected from students under the following circumstances:

- a. As required by § 1008.386, Florida Statutes; or
 - b. As otherwise consented to by the student or the student's parent or legal guardian.
5. **Collection from Volunteers.** -- Social security numbers shall be collected from individuals desiring to serve as volunteers or volunteers in the School District's Volunteers in Public Schools Programs, for the criminal background screening as provided in School Board Policy 2.53, and for persons serving as chaperones on field trips as provided in School Board Policy 2.40.
6. **Regulations and Procedures.**
 - a. Social security numbers will not be:
 - i. Publicly displayed;
 - ii. Used as the primary account number or identifier for an individual, except where existing District records or records systems require such use. Existing records or records systems, when retired, will be replaced with records or records systems that do not require or use social security number as the primary account number or identifier; or
 - iii. Used, transmitted or stored on records or records systems that are not encrypted or secure. This provision shall be implemented throughout the School District by the Department of Information Technology.
 - b. It is the School District's intention to comply with this policy, and with all applicable laws regarding the privacy of social security numbers. Corrective action will be taken in the event of intentional violations of this policy. Such action may include the modification of a process, practice, record or record system to better protect the confidentiality of social security numbers, or, if appropriate, disciplinary action in accordance with the applicable disciplinary policy. Loss or theft of social security numbers from District records or records systems will be promptly reported to the Superintendent or designee for responsive action.
7. **Notification.**
 - a. Applicants for employment and employees shall be notified of the requirement for providing their social security number prior to the time of the completion and submission of the application for employment, the submission of their recommendation(s) for employment to the School District and the purposes for which an applicant/employee's number will be used.
 - b. Applicants for the Volunteers in Public Schools Program and chaperones for field trips shall be notified that their social security numbers will be used for background checking purposes as provided in the relevant school board policies.
 - c. Students and their parents shall be notified if they will be asked to provide their social security numbers at the time of enrollment; however, students and their parents shall also be notified that a student is not required to provide a social security number as a condition of enrollment or graduation. Further, that student social security numbers will be used for the purposes above stated.
8. **Review.** -- The Superintendent or designee shall review the collection of social security numbers to ensure that the reasons for collection and the process for collection and maintenance are consistent with Florida laws.
9. **Release of Social Security Numbers.**
 - a. Social security numbers may be disclosed to another agency or governmental entity if disclosure is necessary for the receiving agency or entity to perform its duties and responsibilities. The receiving agency shall be responsible for the securing and protection of the provided information.
 - b. Non-student social security numbers may be released to a "commercial entity" engaged in the performance of a "commercial activity" as permitted by § 119.071(5) (a), Florida Statutes. The commercial entity must

make a written request for the social security numbers which must be: verified; legally signed by an authorized officer, agent or employee; contain the commercial entity's name, business mailing and location address, and business telephone number; and contain a statement of the specific purposes for which it needs the social security numbers and how the numbers will be used in the performance of a commercial activity.

- i. The School District shall annually report to the Executive Office of the Governor, the President of the Senate and the Speaker of the House by January 31st of each year the identity of all commercial entities that have requested social security numbers during the preceding calendar year and the specific purpose stated by the commercial entity for each request. If no requests have been received during the preceding calendar year, the District shall report that information.

STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41; 1001.42; 1012.23

LAWS IMPLEMENTED: Fla. Stat. §§ 119.071; 1001.43; 1012.23; 1008.386; 5 USCA § 552(a)

HISTORY: 6/3/2009

RULES OF THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA
Title 6Gx50
Chapter 3. Personnel
Section 3.09

Policy 3.09 Social Security Numbers

1. **Purpose.** -- A social security number is considered confidential and exempt from public inspection in accordance with Florida Statutes. The primary purpose of this policy is to ensure that the necessary procedures and awareness exist to ensure that School District employees comply with both the letter and spirit of the Florida Public Records Act, and the Privacy Act of 1974.
2. **Policy.** -- The School District collects and maintains social security numbers of its employees, students, vendors and others in the ordinary course of its business and as required by law. The School District will handle social security numbers with a high degree of security and confidentiality. In an effort to protect the privacy rights of individuals who provide social security numbers to the School District and to manage its records and records systems responsibly, District employees will:
 - a. Ensure the confidentiality of social security numbers in conformance with Florida law;
 - b. Not unlawfully disclose, transfer or use an individual's social security number;
 - c. Strictly limit access to records and records systems containing social security numbers to those who have a business related reason to know this information; and
 - d. When disposing of records with social security numbers, dispose of such records in a responsible manner that minimizes risk that the social security numbers can be accessed inappropriately.
3. **Collection from Applicants or Employees.**
 - a. Social security numbers shall be collected only when allowed by law or when necessary for the performance of the school system's duties.
 - b. The School District shall collect the social security number of each applicant and employee for the following purposes:
 - i. Verification of citizenship or immigration status, as required by the U. S. Department of Homeland Security or other governmental agencies.
 - ii. Employee benefit processing, including membership in the Florida Retirement System, health insurance, insurance, or other benefits offered to employees by the School Board.
 - iii. Compliance with the reporting requirements for the Internal Revenue Service, U. S. Social Security Administration, Unemployment Compensation, Florida Agency for Workforce Innovation, Florida Department of Education and such other official reporting responsibilities imposed by law.
 - iv. Processing pre-employment and post-employment criminal background checks required by law.
 - v. For such purposes as may be directed by the employee, such as direct deposit of wages or salary, payroll deductions, etc.
 - c. Social security numbers or federal employer identification numbers shall be collected from all vendors to facilitate vendor record keeping by the School District and to permit compliance with income reporting requirements of the Internal Revenue Service, including but not necessarily limited to issuance of U.S. Internal Revenue Form 1099.
4. **Collection from Students.** -- Student social security numbers are confidential and will only be released in accordance with the consent requirement set forth in § 1002.22(3)(d), Florida Statutes, or as otherwise provided by that section. Social security numbers may be collected from students under the following circumstances:
 - a. As required by § 1008.386, Florida Statutes; or

- b. As otherwise consented to by the student or the student's parent or legal guardian.
- 5. **Collection from Volunteers.** -- Social security numbers shall be collected from individuals desiring to serve as volunteers or volunteers in the School District's Volunteers in Public Schools Programs, for the criminal background screening as provided in School Board Policy **2.53**, and for persons serving as chaperones on field trips as provided in School Board Policy **2.40**.
- 6. **Regulations and Procedures.**
 - a. Social security numbers will not be:
 - i. Publicly displayed;
 - ii. Used as the primary account number or identifier for an individual, except where existing District records or records systems require such use. Existing records or records systems, when retired, will be replaced with records or records systems that do not require or use social security number as the primary account number or identifier; or
 - iii. Used, transmitted or stored on records or records systems that are not encrypted or secure. This provision shall be implemented throughout the School District by the Department of Information Technology.
 - b. It is the School District's intention to comply with this policy, and with all applicable laws regarding the privacy of social security numbers. Corrective action will be taken in the event of intentional violations of this policy. Such action may include the modification of a process, practice, record or record system to better protect the confidentiality of social security numbers, or, if appropriate, disciplinary action in accordance with the applicable disciplinary policy. Loss or theft of social security numbers from District records or records systems will be promptly reported to the Superintendent or designee for responsive action.
- 7. **Notification.**
 - a. Applicants for employment and employees shall be notified of the requirement for providing their social security number prior to the time of the completion and submission of the application for employment, the submission of their recommendation(s) for employment to the School District and the purposes for which an applicant/employee's number will be used.
 - b. Applicants for the Volunteers in Public Schools Program and chaperones for field trips shall be notified that their social security numbers will be used for background checking purposes as provided in the relevant school board policies.
 - c. Students and their parents shall be notified if they will be asked to provide their social security numbers at the time of enrollment; however, students and their parents shall also be notified that a student is not required to provide a social security number as a condition of enrollment or graduation. Further, that student social security numbers will be used for the purposes above stated.
- 8. **Review.** -- The Superintendent or designee shall review the collection of social security numbers to ensure that the reasons for collection and the process for collection and maintenance are consistent with Florida laws.
- 9. **Release of Social Security Numbers.**
 - a. Social security numbers may be disclosed to another agency or governmental entity if disclosure is necessary for the receiving agency or entity to perform its duties and responsibilities. The receiving agency shall be responsible for the securing and protection of the provided information.
 - b. Non-student social security numbers may be released to a "commercial entity" engaged in the performance of a "commercial activity" as permitted by § 119.071(5) (a), Florida Statutes. The commercial entity must make a written request for the social security numbers which must be: verified; legally signed by an authorized officer, agent or employee; contain the commercial entity's name, business mailing and location address, and business telephone number; and contain a statement of the specific purposes for which it needs the social security

numbers and how the numbers will be used in the performance of a commercial activity.

- i. The School District shall annually report to the Executive Office of the Governor, the President of the Senate and the Speaker of the House by January 31st of each year the identity of all commercial entities that have requested social security numbers during the preceding calendar year and the specific purpose stated by the commercial entity for each request. If no requests have been received during the preceding calendar year, the District shall report that information.

STATUTORY
AUTHORITY:

Fla. Stat. §§ 1001.41; 1001.42; 1012.23

LAWS IMPLEMENTED:

Fla. Stat. §§ 119.071; 1001.43; 1012.23; 1008.386; 5 USCA § 552(a)

HISTORY:

6/3/2009

New Hire Check List:

- ☐ Employment Application
- ☐ W-4 Employee Withholding Allowance Certification
- ☐ Employment Eligibility Verification Form
- ☐ Copy of Drivers License or documents that establish identity.
- ☐ Copy of acceptable document that established Employment Eligibility.
- ☐ Payroll Direct Deposit Authorization
- ☐ Self-Reporting of New Arrests and Convictions Affidavit
- ☐ Employment Acknowledgement Agreement for a Drug Free Workplace
- ☐ Medical Questionnaire
- ☐ Life Insurance Application
- ☐ Health Insurance Application
- ☐ Dental Insurance Application
- ☐ 403b Approved Vendor List
- ☐ Long & Short Disability Application
- ☐ Aflac Application
- ☐ Charter School Authorization Form
- ☐ Application for Background Check
- ☐ Application for Security Check
- ☐ Drug Screening Form

Employee Signature

Date

CONDITIONS OF EMPLOYMENT

All applicants who are recommended for employment shall be required to comply with all procedures adopted by the South Tech Charter Academy, Inc. Board, hereafter referred to as the Board, in order to be eligible for employment South Tech Charter Academy, Inc. Such procedures shall include, but shall not be limited to:

1. Completion of forms required by federal and state agencies and the Board;
2. Completion of forms related to the employee benefits package; and
3. Pre-employment physical examination:
 - a. The pre-employment medical examinations required in 3.10 shall be administered for the following purposes:
 - (1.) To determine whether an applicant meets the physical requirements of the position for which the applicant has applied. If the results of the examination indicate that the applicant is not able to safely or fully perform the duties of the position and reasonable accommodations cannot be made, then the applicant shall be so advised. An applicant may reapply for a similar position, subject to another pre-employment medical examination, when the applicant's condition improves to the extent that the applicant meets the physical requirements of the position or reasonable accommodations can be made. An applicant who is determined medically unsuitable to perform a particular position is not prohibited from applying for other positions for which the applicant may be qualified if the applicant meets the safety and performance requirements of the other positions.
 - (2.) To determine whether an applicant is a user of illegal drugs that may affect performance.
 - (3.) For the purposes of this Policy, drugs shall mean "Controlled Substance" as defined in accordance with Chapter 893, Florida Statutes.
 - (4.) Initial positive drug results will require a confirmation test. If the confirmation test supports the initial positive findings, these findings will be reviewed with the applicant. The applicant will not be eligible for employment.
 - (5.) Applicants for employment who refuse a pre-employment medical examination or who test positive for drugs shall not be medically released for employment in any position.
 - (6.) Pre-employment medical examination results are confidential and are not to be disclosed except to the extent required by law.
 - b. School District of Palm Beach County employees on leave to work for the Board and that elect to remain on the District insurance plan shall not be required to comply with a pre-employment physical examination.
 - c. Potential Board employees not on leave from the School District of Palm Beach County, including former employees of the District who have had a break in service and are no longer eligible for health insurance coverage with the District, must complete a pre-employment examination and receive medical clearance from professionals selected by the Board. The medical examination may consist of a physical examination and/or testing for potentially impairing, disabling, communicable and terminal diseases or conditions including, but not limited to, tuberculosis and other pulmonary diseases, carcinoma, acquired immune deficiency syndrome, diabetes, hypertension, anemia, cardiovascular diseases, muscular skeletal diseases or disorders, hearing and visual impairments, mental or nervous disorders, alcoholism and drug abuse.

Disabled applicants shall be considered for employment if they are qualified and meet the safety and performance requirements of the position.

Authority: 120.53, 230.22(1), 231.001, F.S.

Implemented: 230.23(5), F.S.

History: New: 7/01/2004; Revised: 7/07/2005; **Revised: (Pending) 6/09/2011**

Reference: Palm Beach School District Policy 3.10, **STA Repealed Policy 3.11 (Included)**

South Tech Charter Academy Board Policy
3.11 MEDICAL EXAMINATIONS DURING EMPLOYMENT

1. Medical exams for employees to continue employment with South Tech Academy shall be required under the following circumstances:
 - a. To the extent required by Federal or State law or other Governing Board policies, or
 - b. If required by the employee's employment contract with the South Tech Academy; or
 - c. As warranted at the request of the District or the Third Party Administrator and/or the School's insurance carrier in connection with an on-the-job injury; or
 - d. At the School's request for a fitness for duty determination; or
 - e. If the employee, in the routine performance of his/her job duties, as determined by the School, is potentially exposed to chemical hazards, asbestos or other physical hazards. The medical exams within this sub-paragraph (e) shall be completed within 90 days of employment and annually, thereafter.
2. The School may require that an employee undergo a drug test under the conditions set forth in School Board Policies 3.96.

STATUTORY AUTHORITY: Fla. Stat. §§ 1001.32(2); 1001.41 (1) & (2); 1001.42 (5) & (25); 1001.43 (11); 1012.23(1)

LAWS IMPLEMENTED: Fla. Stat. §§ 1001.42(5); 1012.23(1); 1012.32

HISTORY: New 6/09/2011