

# **FLORIDA LOCAL UPDATE**

## **VOLUME 23, NUMBER 2 January 2023**

The Volume 23, Number 2 update package consists of the following:

- Revisions to **29** current bylaws/policies.
- Technical updates to **2** policies.
- The deletion of **1** bylaw.

This update is the result of legislation enacted during the 2022 Florida Legislative session, Florida Department of Education guidance, ongoing work with clients during the 2022-2023 school year, and a review of Federal and State Law, the Florida Administrative Code, other regulations by Federal and State agencies, applicable court decisions, and Attorney General's opinions.

Neola is vigilant in providing policy language to clients that has been vetted for legal accuracy by outside legal counsel. Should questions arise as to the legal compliance or accuracy of Neola materials, it is our expectation that Neola's counsel would have the opportunity to assist in the resolution of such a claim. Please notify the Neola corporate office if an issue arises in which such a review or assistance is necessary.

Policies in this update have been reviewed by Sniffen & Spellman, P.A. for consistency with Federal and State law.

The Superintendent should recommend the adoption of the new, revised, and deleted policies and the Board should approve the Superintendent's recommendation so that the Board's policies are current and compliant.

Training will be provided by BoardDocs and Neola staff and support will be available to those working on this platform prospectively.

### **Bylaws and Policies**

#### **Bylaw 0142.3 - Orientation (Revised)**

Bylaw 0142.3 has been revised to provide the School Board with an opportunity to offer a new School Board member orientation program to its newly elected members, particularly since not all newly-elected School Board members have prior experience serving as elected officials in Florida. With respect to the new School Board member orientation program, the policy template includes an option for the School Board to select who should provide the program. The revisions also include a new requirement that each newly elected School Board member receive, at the time their election is certified, copies of Florida's Public Records Act, Florida's Government-in-the-Sunshine Law, and the most recent edition of the Government-in-the-Sunshine Manual (or similar publication) published by the Florida Office of Attorney General.

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### **Bylaw 0147.1 - Travel and Expenses (Revised)**

### **Policy 6550 - Travel and Expenses (Revised)**

With the significant rise in School Board members and School District employees attending virtual trainings and conferences, we revised Bylaw 0147.1 and Policy 6550 to include optional language addressing reimbursement for attendance at virtual trainings and conferences.

### **Bylaw 0151 - Organizational Meeting (Revised)**

### **Bylaw 0153 - Appointees (Deleted)**

In order to provide more streamlined policies addressing the School Board's organizational meeting, Neola incorporated the language from Bylaws 0153, 0154V1, and 0154V2 into 0151 so that the School Board has a single policy addressing its organizational meeting.

### **Policy 1111 - Designation of a New Position (Revised)**

### **Policy 3111 - Designation of a New Position (Revised)**

### **Policy 4111 - Designation of a New Position (Revised)**

### **Policy 1121.01 - Background Screening and Employment History Checks (Revised)**

### **Policy 3121.01 - Background Screening and Employment History Checks (Revised)**

### **Policy 4121.01 - Background Screening and Employment History Checks (Revised)**

F.S. 448.095 requires that every School District register and use the E-Verify system to verify the work authorization of all newly hired employees. Policies 1111, 3111, and 4111 have been revised to remove optional language regarding employment verification. This optional language is now mandatory and has been added to Policies 1121, 3121, and 4121.

### **Policy 1210 - Standards of Ethical Conduct (Revised)**

### **Policy 3210 - Standards of Ethical Conduct (Revised)**

### **Policy 4210 - Standards of Ethical Conduct (Revised)**

The revisions to these policies are the result of new language included in F.A.C. Rule 6A-10.081. F.A.C. Rule 6A-10.081 now mandates that teaching certificate holders shall not intentionally provide classroom instruction to students in kindergarten through grade 3 on sexual orientation or gender identity. Moreover, the amendments to the rule expand the definition of discrimination to include subjecting any student to training or instruction that espouses, promotes, advances, inculcates, or compels such student to believe any of the concepts listed in F.S. 1000.05(4)(a).

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Since not all administrators and support staff members hold a teaching certificate, we also included a drafting note in Policies 1210 and 4210 clarifying that the School Board may want to consider holding administrators and support staff members to the same ethical standards as instructional personnel.

### **Policy 1213 - Student Supervision and Welfare (Revised)**

The revisions to Policy 1213 are intended to clarify that administrators may withhold information about a student's mental, emotional, or physical health or well-being from a parent if a reasonably prudent person would believe that the disclosure would result in abuse, abandonment, or neglect, as those terms are defined in F.S. 39.01. This language already exists in AP 1213A (Notice to Parent of Change) and is permitted pursuant to F.S. 1001.42(8)(c)2.

### **Policy 1430.03 - Sick Leave (Revised)**

### **Policy 3430.03 - Sick Leave (Revised)**

### **Policy 4430.03 - Sick Leave (Revised)**

In working with our clients, we learned that not all School Districts handle sick leave transferred in from outside the School District in the same manner. The proposed revisions to these policies are intended to give our clients the opportunity to specify in their policies how sick leave transferred in from outside the School District will be handled.

### **Policy 2111 - Parent and Family Involvement in the School Program (Technical)**

The technical revision to this policy relates to a citation to Title I.

### **Policy 2215 - Program of Instruction (Revised)**

In November of 2022, the Florida Department of Education adopted amendments to F.A.C. Rule 6A-1.094124 (Required Instruction Planning and Reporting). The amendments include a new requirement that School Districts provide "resiliency education." Resiliency education is a combination of (1) civil and character education and (2) life skills education that builds confidence and supports mental health. Every School District is required to annually provide a minimum of five (5) hours of data-driven instruction to students in grades 6-12. In sum, the revisions to Policy 2216 incorporate the new "resiliency education" requirements set forth in F.A.C. Rule 6A-1.094124.

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### **Policy 2271 - Articulation and Access to Florida College System Institutions (Revised)**

Policy 2271 has been revised to update language regarding statutory eligibility for students to participate in postsecondary enrollment programs, rename "Collegiate High School Program" to "Early College Program" to remain consistent with Florida Statutes, delete outdated language, and add provisions addressing the benefits, risks, and consequences of participating in postsecondary programs.

### **Policy 2421 - Career and Technical Education (Revised)**

Policy 2421 has been revised to (1) recognize that disabled veterans shall have their tuition and fees waived and (2) add statutorily required language regarding the Florida Law Enforcement Academy Scholarship Program for those School Districts that offer a law enforcement officer basic recruit training program in their career or technical schools.

### **Policy 2575 - Service Learning (Revised)**

Policy 2575 has been revised in light of revisions to F.A.C. Rule 6A-20.028 permitting students to utilize paid work hours to meet Florida Bright Futures Scholarship requirements (as opposed to previously only allowing community service hours).

### **Policy 3120 - Employment of Instructional Personnel (Revised)**

F.S. 1012.57(1) requires that School Boards adopt rules to allow for the issuance of an adjunct teaching certificate to any applicant who fulfills the requirements of Florida law and who has expertise in the subject area to be taught. As such, the "District Adjunct Teaching Certification" paragraph in Policy 3120 is no longer optional. The language in the same paragraph has also been updated to remain consistent with F.S. 1012.57(1).

### **Policy 6480 - Expenditures (Revised)**

The proposed revisions to Policy 6480 involve incorporating language from F.S. 106.113 (Expenditures by local governments) permitting School Districts and persons acting on behalf of a School District to report on official actions of the School Board/School District in an accurate, fair, and impartial manner, post factual information on the School Board's/School District's website or in printed materials, host and provide information at a public forum, provide factual information in response to an inquiry, and provide information as otherwise authorized or required by law. Including these permissive acts provide more clarity to the School Board and district personnel regarding conduct that is considered appropriate under Florida law.

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### **Policy 6490 - Legal Services for Employees, Officers, and Public Officials (Technical Correction)**

The technical correction to Policy 6490 involves the addition and deletion of certain legal citations.

### **Policy 8320 - Records Management (Revised)**

The proposed revisions to Policy 8320 (1) replace "Bureau of Archives and Records Management" with "Division of Library and Information Services in the Department of State" and (2) update language regarding the School Board's Records Retention Schedule.

### **Policy 8600 - Transportation (Revised)**

Policy 8600 has been revised to incorporate revisions to F.A.C. Rule 6A-3.0121 regarding Individualized Seizure Action Plans. Policy 8600 has also been updated to add language regarding statutorily required CPR and first-aid training.

### **Policy 8800 - Religious and Other Ceremonies and Observances (Revised)**

### **Policy 8810 - The American Flag, the Flag of the State of Florida, and the Official Motto of the State of Florida (Revised)**

The revisions to Policies 8800 and 8810 are not the result of any changes in the law; rather, they have been reorganized for consistency. Language from Policy 8800 regarding the display of the American and State of Florida Flags and the Pledge of Allegiance has been relocated to Policy 8810. The title of Policy 8800 was also revised since most Patriotic activities are addressed in Policy 8810. Policy 8810 has further been revised to make it consistent with F.S. 1000.06.

### **Policy 9800 - Charter Schools (Revised)**

Recently amended F.A.C. Rule 6A-6.0791(4) requires that the School Board develop "procedures" to resolve student health, safety, or welfare complaints under F.S. 1001.42(8)(c) for a student who is enrolled in a charter school sponsored by the School Board. Policy 9800 has been revised to incorporate procedures for resolving such complaints.



Book	Policy Manual
Section	Draft Policy Advertised 3/17/2023
Title	FIELD AND OTHER DISTRICT-SPONSORED TRIPS
Code	po2340
Status	
Legal	<a href="#">F.S. 1001.43</a>
Adopted	October 10, 2022

#### 2340 - **FIELD AND OTHER DISTRICT-SPONSORED TRIPS**

The School Board recognizes that field trips, when used for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the schools. Properly planned and executed field trips should:

- A. supplement and enrich classroom procedures by providing learning experiences in an environment outside the schools;
- B. arouse new interests among students;
- C. help students relate school experiences to the reality of the world outside of school;
- D. bring the resources of the community - natural, artistic, industrial, commercial, governmental, educational - within the student's learning experience;
- E. afford students the opportunity to study real things and real processes in their actual environment.

For purposes of this policy, a field trip shall be defined as any planned journey by one or more students away from District premises, which is an integral part of a course of study and is under the direct supervision and control of an instructional staff member or any advisor as designated by the Superintendent.

Other District-sponsored trips shall be defined as any planned, student-travel activity which is approved as part of the District's total educational program and is under the direct supervision and control of an instructional staff member or any advisor as designated by the Superintendent.

School personnel shall not accept any form of compensation from vendors that might influence their recommendation on the eventual selection of a location for, or a vendor that will provide transportation to, a field or other District-sponsored trip. Furthermore, school personnel shall not accept any compensation from a vendor after a decision has been made regarding the location for, or a vendor that will provide transportation to, a field or other District-sponsored trip. In addition, school personnel who recommended the location for, or a vendor that will provide transportation to, a field or other District-sponsored trip shall not enter into a contractual arrangement whereby an individual staff member receives compensation in any form from the vendor that operates the venue for, or provides the transportation to, a field or other District-sponsored trip for services rendered.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a school staff member receives such compensation, albeit unsolicited, from a vendor, the staff member shall notify the Fiscal Officer, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the Fiscal Officer at his/her earliest opportunity.

The Board shall approve trips that are planned to **transport** ~~keep~~ students out of the District **over 50 miles (within the state)**, overnight, ~~or longer~~ or out of the State.

The Superintendent shall approve all other ~~such~~ trips.

Students may be charged fees, including, but not limited to, admission fees, for District-sponsored trips but no student shall be denied participation for financial inability, nor shall nonparticipation be penalized academically.

Students on all District-sponsored trips remain under the supervision of this Board and are subject to the District's administrative procedures.

The Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the District who takes students on trips not approved by the Board or Superintendent. No staff member may solicit students of this District for such trips within the facilities or on the school grounds of the District without permission from the Superintendent. Permission to solicit neither grants nor implies approval of the trip. Such approval must be obtained in accordance with the District's administrative procedures for extended trips.

The Superintendent shall prepare administrative procedures for the operation of both field and other District-sponsored trips, including athletic trips, which shall address:

- A. the safety and well-being of students;
- B. parental permission is sought and obtained before any student leaves the District on a trip;
- C. each trip is properly planned, and if a field trip, is integrated with the curriculum, evaluated, and followed up by appropriate activities which enhance its usefulness;
- D. the effectiveness of field trip activities is judged in terms of demonstrated learning outcomes;
- E. each trip is properly monitored;
- F. student behavior while on all field trips complies with the Student Code of Conduct and on all other trips complies with an approved code of conduct for the trip;
- G. a copy of each student's Emergency Medical Authorization Form is in the possession of the staff member in charge;
- H. provisions have been made for the administration of medication to those students for whom medications are administered routinely while at school;
- I. provisions have been made at the trip destination and in transportation, if and when required to accommodate students and/or chaperones with disabilities.

An instructional staff member shall not change a planned itinerary while the trip is in progress, except where the health, safety, or welfare of the students in his/her charge is imperiled or where changes or substitutions beyond his/her control have frustrated the purpose of the trip.

In any instance in which the itinerary of a trip is altered, the instructional staff member in charge shall notify the administrative superior immediately.

School vehicles are not to be used if the entire distance traveled round trip from the point of exit and entry of the State is more than 240 miles.