



District Advisory Council (DAC) 2021-2022

Thursday, April 7th, 2022

6:00 – 8:00 p.m.

Howell Center, 3955 W. Pensacola Street

	What	Who	Outcome
1.	Welcome and Introductions	Dr. Michelle Gayle, Assistant Superintendent	
2.	Approval of Agenda	Vernestine McLeod 2021-22 Chairperson	Vote
3.	Approval of Minutes March 10, 2022	Vernestine McLeod	Vote
4.	LCS Student District Advisory Council Updates	Peyton Gallant, LHS Srinitha Srikanth, LCHS	Information
5.	Florida Pre-Paid	Shannon Colavecchio	Information
6.	Children's Services Council	Cecka Rose Green – Executive Director Children's Services Council	Information
7.	Legislative Updates	Jessica Janasiewicz Governmental Consultant	Information
8.	LCS Policy Reviews <ul style="list-style-type: none"> • P.O 1121.01 Criminal Background and Employment History Checks/Administration • P.O. 3121.01 Criminal Background and Employment History Checks/Instructional Staff • P.O 4121.01 Criminal Background and Employment History Checks/Support Staff • P.O 8141 Mandatory Reporting of Misconduct 	John Hunkier- Safety and Security, Chief Jimmy Williams- Safety and Security, Coordinator	Information vote
9.	Sub-Committees <ul style="list-style-type: none"> • Nomination committee update/ J. Steele • Parental Involvement/ C.Collier-Brown 	Vernestine McLeod	Information
10.	SAC Questions	Vernestine McLeod	Information
12.	Wrap up on Issue	Vernestine McLeod	Information
13.	Adjourn	Vernestine McLeod	

- Please note that one or more Boar members may appear at this meeting.

Next meeting, Thursday, May 12, 2022

District Advisory Council

Thursday, March 10, 2022

In Person Meeting 6:00 p.m. – 8:00 p.m.

- I. **Schools/Members Attending:** Brenda Wirick (ACE/LCVS), Susan Walden (Academic Services), Ann Ray (Astoria Park), Brenetta Lawrence (Bond), Brooks Sperling (Alternate – Chaires), Kelly O'Rourke (Chiles), Rhone Francis (Cobb), LaShawnda Swanigan (Conley), Damaris Barrios (Desoto Trail), Brooke Brunner (Early Childhood), Jenny Taylor (ESE), Cheryl Collier-Brown (Fairview/Griffin), Jamie Holloman (Ft. Braden), Desmond Cole (Godby), Bomani Mustaha (Hartsfield), Josette Capuano (Heritage Trails), Angela Roeder (Killearn Lakes), Marcus Nicolas (LCSB: Darryl Jones), Valencia Jenkins (LCSB: Joy Bowen/Godby), Scott Mazur (LCTA), Keith Berry (Montford), Andreka Rittman-Baker (Nims), Jennifer Hirst (Pineview), Scott Marcus (RAA), Andrew Thomas (Rickards), Dr. Demerius Coley (Riley), Jason Graham (Roberts), Jacquelyn Steele (Roberts), Anicia Robinson (Sabal Palm), Scott Whittle (SAIL), Stacey Turknett (SAIL), Peyton Gallant (Leon/SDAC), Shayla Cole (Sealey), Sylvia Williams (Alternate/Springwood), Dr. Genae Crump (Success Academy), Regina Browning (Superintendent Appointee), Joe Burgess (Superintendent Appointee), Michele Keltner (Superintendent Appointee), Lauren Pierce (Swift Creek), Selika Sampson (Swift Creek), April Knight (Title I), Katie Girling (Woodville), Patrick Wright (Griffin), Doris King (Pace)
- II. **School Board Members/District Administration/District Staff:** School Board Chair Darryl Jones, Dr. Michelle Gayle, Molly Smith (OOA), Stacey Turknett (Prof. Community Services), Susan Walden (Academic Services)
- III. **Excused:** Shayla Lightfoot-Brown (Apalachee), Linda Edson (Buck Lake), Nikki Nicholas (Canopy Oaks/Griffin), Jennifer Portero (Chiles/Hawk Rise), Nathaniel Wienert (Desoto Trail), Jane Floyd (Everhart), Dieone Smith (Gilchrist), Louis Dilbert (LCSB: Joy Bowen), Jennifer Heckman (Leon), Angel McMillian (Oak Ridge), Johnitta Wells (Rickards), Srinitha Srikanth (Chiles SDAC), Nena Parnell (Sealey)
- IV. **Special Guests:** Allie Fleming (Star Metro)
- V. **Welcome from School Board Chair Darryl Jones:** Discussed new legislation that will be coming down. It was brought up by Scott Mazur about how we as a district going to handle new bills. It was discussed that teacher retention was going to be a priority and higher teacher salaries. Also, non-instructional staff pay may go up to \$15 dependent on final roll outs from legislation.
- VI. **Approval of Agenda:** January and February, motion by Cheryl Collier-Brown and seconded by Michelle Keltner

- VII. Approval of Minutes:** January and February, motion by Cheryl Collier-Brown and seconded by Michelle Keltner
- VIII. SDAC:** Peyton Gallant discussed the students meeting with Big Bend Hospice. High Schools are in Prom planning mode, the survey for school safety is being released, Chiles is having a Bro Bowl, Lincoln is having a Battle of the Bands with proceeds going towards Cancer Research, Leon had their Positive Post It initiative, Red Ribbon at Leon was rescheduled and is focusing on Spring Break safety. SDAC is working on getting middle school SGA to visit the high schools. Dance-A-Thons: Chiles - \$94,000, Lincoln - \$27,000, Leon - \$141,000, Rickards - \$12,000
- IX. DAC By-Laws:** Redefined quorum for school representation of 50% +1. Motion (without addendum) by Jason Graham and seconded by Cheryl Collier-Brown. Scott Mazur wants to add budget back to DAC. All Yes votes and 1 Nay (Scott)
- X. Star Metro Community Input:** as of January 2022, there were 15,000 K-12 riders. Pre-covid 500,000 k-12 riders. There is a new program that is opt in by the parents and kids. The parents need to sign up and understand how kids behave and act on the bus. After they sign up the kids will get a card to get on the bus. The card will identify kids in case of medical issues or any other issues. LCS distributed 1300 cards. K-5 has to register with a guardian. Star Metro is building a transit station on the South Side. It will offer more opportunities to ride the bus for all. It will also have bikes and scooters. It will be state of the art and secure. 1/3 of all transportation is electric but moving towards more. All buses are safe zones.
- XI. Office of Admissions:** when going online go to the website and click on the backpack to enroll. Since November OOA has served 5600 families. 3/21 K enrollment is opening. If parents do not get a received receipt online then they need to call or go to the office in person. Social media campaigns, faith based notifications, and word of mouth will be how it is advertised. By May 2nd students entering 6th grade and 9th grade need to do an address verification. If it is not done the new school will not have a schedule generated for them. March 21st is the start for registration for the next school year.
- XII. Policy 2215:** presented by Susan Walden. Motion by Cheryl Collier-Brown and seconded by Jacquelyn Steele. There was a concern about us being ready to vote when legislation is still in session. This will go before school board in April.
- XIII. Policy 8830:** motion by Jacquelyn Steele and seconded by Valencia Jenkins
- XIV. Nomination Committee:** Jacquelyn Steele was appointed.
- XV. SAC questions/concerns:** None at this time
- XVI. Climate Survey:** opens on 3/22 and closes on 3/29/22 at 11:59 pm.

XVII. Closing: Teacher planning day on 3/21/22.

XVIII. Adjourn: 7:13 pm



Book	Policy Manual
Section	1000 Administration
Title	CRIMINAL BACKGROUND AND EMPLOYMENT HISTORY CHECKS
Code	po1121.01
Status	
Legal	F.S. 435.09 F.S. 943.0435 F.S. 943.0585(6)(b) F.S. 943.059(6)(b) F.S. 1001.41 F.S. 1001.42 F.S. 1012.23 F.S. 1012.27 F.S. 1012.315 F.S. 1012.32 F.S. 1012.56 F.A.C. 6A-10.083
Adopted	September 4, 2012

1121.01 - **CRIMINAL BACKGROUND AND EMPLOYMENT HISTORY CHECKS**

The safety of its students is of paramount importance to the District. Consistent with this concern for student safety, and in compliance with Florida law, the District requires that, prior to initial employment, or re-employment if there has been a break in service, all candidates for all administrative positions shall be subject to a criminal background check to determine eligibility for employment.

The application for employment shall inform the applicants that they are subject to criminal background and employment history checks.

The cost of the background screening related to initial employment or re-employment after a break in service will be borne by the candidate for employment.

District students enrolled in Diversified Cooperative Training or other school-sponsored employment programs will be required to complete a set of fingerprints without cost to the student.

Fingerprints of candidates for employment or re-employment if there has been a break in service shall be submitted to the Florida Department of Law Enforcement (FDLE) for Statewide criminal and juvenile records checks and to the Federal Bureau of Investigation (FBI) for Federal criminal records checks. A person who is found ineligible for employment under F.S. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of

the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. **For purposes of this policy, "convicted" means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in F.S. 943.0435.**

Probationary persons subject to this section who are terminated because of their criminal record have the right to appeal such decisions.

Individuals whose fingerprints have not been retained by the FDLE must be re-fingerprinted and rescreened upon re-employment or re-engagement to provide services as an administrative staff member in order to comply with the law.

Furthermore, before employing an administrator in any position that requires direct contact with students, the Superintendent shall conduct employment history checks of each of the candidate's previous employer(s), **review each affidavit of separation from previous employers pursuant to F.S. 1012.31**, screen the candidate through use of the educator screening tools described in F.S. 1001.10(5), and document the findings. If unable to contact a previous employer, the Superintendent shall document efforts to contact the employer (F.S. 1012.27(6)).

Pursuant to State law, all administrators employed by the District must self-report arrests for serious offenses (see AP 1121.01).

Additionally, the fingerprints of all administrators who are employed by the District and have no break in service must be resubmitted to the FDLE and to the FBI every five (5) years so that subsequent statewide criminal and juvenile records checks and Federal criminal records checks can be completed as required by law.

The cost of this subsequent background screening will be borne by the Board.

The information contained in reports received from the FDLE and the FBI is confidential.

Although permissible by State law, the District will not share information received as the result of the criminal background check with other school districts.

Furthermore, if information received as a result of the criminal history records check indicates that a certificated administrator has been convicted of certain crimes enumerated by law, the Superintendent must report this information to the Florida Department of Education per Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees.

F.S. 435.09

F.S. 943.0435

F.S. 943.0585(6)(b)

F.S. 943.059(6)(b)

F.S. 1001.41

F.S. 1001.42

F.S. 1012.23

F.S. 1012.27

F.S. 1012.315

F.S. 1012.32

F.S. 1012.56

F.A.C. 6A-10.083

Effective 9/5/12

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Book	Policy Manual
Section	3000 Instructional Staff
Title	CRIMINAL BACKGROUND AND EMPLOYMENT HISTORY CHECKS
Code	po3121.01
Status	
Legal	F.S. 435.09 F.S. 943.0435 F.S. 943.0585(6)(b) F.S. 943.059(6)(b) F.S. 1001.10(5) F.S. 1001.41 F.S. 1001.42 F.S. 1012.23 F.S. 1012.27(6) F.S. 1012.315 F.S. 1012.32 F.S. 1012.56 F.A.C. 6A-10.083
Adopted	September 4, 2012

3121.01 - **CRIMINAL BACKGROUND AND EMPLOYMENT HISTORY CHECKS**

The safety of its students is of paramount importance to the District. Consistent with this concern for student safety, and in compliance with Florida law, the District requires that, prior to initial employment or re-employment if there has been a break in service, all candidates for all positions shall be subject to a criminal background check to determine eligibility for employment.

The application for employment shall inform the applicants that they are subject to criminal background and employment history checks.

The cost of the background screening related to initial employment or re-employment after a break in service will be borne by the candidate for employment.

District students, enrolled in Diversified Cooperative Training or other school sponsored employment programs, will be required to complete a set of fingerprints without cost to the student.

Fingerprints of candidates for employment or re-employment if there has been a break in service shall be submitted to the Florida Department of Law Enforcement (FDLE) for Statewide criminal and juvenile records checks and to the Federal Bureau of Investigation (FBI) for Federal criminal records checks. A person who is found ineligible for employment under F.S. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of

the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. **For purposes of this policy, "convicted" means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in F.S. 943.0435.**

Probationary persons subject to this section who are terminated because of their criminal record have the right to appeal such decisions.

Individuals whose fingerprints have not been retained by the FDLE must be re-fingerprinted and re-screened upon re-employment or re-engagement to provide services as an instructional staff member in order to comply with the law.

Furthermore, before employing instructional personnel in any position that requires direct contact with students, the Superintendent shall conduct employment history checks of each of the candidate's previous employer(s), **review each affidavit of separation from previous employers pursuant to F.S. 1012.31**, screen the candidate through use of the educator screening tools described in F.S. 1001.10(5), and document the findings. If unable to contact a previous employer, the Superintendent shall document efforts to contact the employer (F.S. 1012.27(6)).

Pursuant to State law, all instructional staff members employed by the District must self-report arrests for serious offenses (see AP 3121.01).

Additionally, the fingerprints of all instructional staff members who are employed by the District and have no break in service must be re-submitted to the FDLE and to the FBI every five (5) years so that subsequent Statewide criminal and juvenile records checks and Federal criminal records checks can be completed as required by law.

The cost of this subsequent background screening will be borne by the Board.

The information contained in reports received from the FDLE and the FBI is confidential.

Although permissible by State law, the District will not share information received as the result of the criminal history background check with other school districts.

Furthermore, if information received as a result of the criminal history records check indicates that a certificated instructional staff member has been convicted of certain crimes enumerated by law, the Superintendent must report this information to the Florida Department of Education per Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees.

The Board authorizes the Superintendent to establish a Criminal Background Check (CBC) Committee to review and make a determination for applicants who have been nominated for employment and for whom a background check identifies a potential problem. The CBC Committee shall obtain criminal background information (Level II Screening) for applicants through requests to the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI).

When the fingerprint or background check reports reflect a criminal history, the Committee shall review both the application and the report(s) concerning the individual. The CBC Committee shall also request and compare information provided by the new employee with the information received from the FDLE and/or the FBI (Level II) pursuant to F.S. 1012.21 and 1012.23.

The CBC Committee does not have the authority to clear candidates with felony convictions fewer than five (5) years or misdemeanor convictions fewer than three (3) years.

Upon the receipt of a formal appeal by the applicant, the CBC Committee may consider specific mitigating circumstances for felony offenses committed within the past five (5) years and not otherwise enumerated in F.S. 1012.315 and, if the committee concurs, recommend a waiver to the Superintendent. The Superintendent may recommend background clearance for consideration by the Board.

Upon the receipt of a formal appeal by the applicant, the Board authorizes the Superintendent to consider background clearance when specific mitigating circumstances have been identified by the applicant for misdemeanor offenses committed within the past three (3) years.

In situations where an applicant has been convicted of the offenses listed below or found to have committed an act in an administrative proceeding or a civil action, consideration of certain mitigating circumstances may be applied by the CBC Committee that allow for consideration of an applicant without a request for a waiver from the Board. In these situations where an applicant is nominated for employment due to mitigation, the Superintendent will personally approve the recommendation of the committee and notify the Board.

A. Possession or use of controlled substances.

B. Driving under the influence of alcohol or unsafe driving record.

- C. Bad checks, misappropriation of funds or theft of personal property.
- D. Committing or conviction of a misdemeanor.
- E. Harassment, discrimination, or incidents that evidence prejudice of a student or adult on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation or social and family background; or harassment or discrimination which interferes with an individual's work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment.
- F. Committing a felony not included in F.S. 435.04.

The circumstances for each situation identified above will be individually considered as well as the position to which the applicant is applying. Aggravating and mitigating factors or circumstances to be considered by the CBC Committee include:

- A. The severity of the offense.
- B. The age of the victim or student/child involvement.
- C. The danger posed to the public including the degree of physical and mental harm to a student, other employees or members of the public.
- D. The actual damage, physical or otherwise, caused by the misconduct.
- E. Any repetition of the offense(s) and length of time between offenses.
- F. Attempts by the applicant to correct or stop the misconduct or mitigate its effect.
- G. Actual negligence of the applicant pertaining to any misconduct.
- H. Pecuniary benefit or self-gain to the applicant realized by the misconduct.
- I. The deterrent effect of the punishment or discipline imposed.
- J. Related misconduct by the applicant in other employment including findings of guilt or innocence, discipline imposed and/or discipline served.
- K. Any effort of rehabilitation by the applicant.
- L. If previously employed by the District, the number of times the applicant has been previously disciplined by the District as well as the type of discipline.
- M. The length of time since the misconduct, with a minimum of three (3) years. (In circumstances where there is one offence which is not violent or child related, applicants may be considered within the three (3) year period.)
- N. Any other relevant mitigating or aggravating factors under the circumstances.

Reconsideration and Appeal

- A. Applicants who have been denied employment because of their criminal record shall receive written notice and may request reconsideration by the CBC Committee only if they present new information not previously available to the committee.
- B. Applicants who have been denied consideration by the CBC Committee may appeal to the Superintendent for a reconsideration of their case. Their appeal must be in writing and may not include any documents or material that has not been previously considered by the CBC Committee. Approval of a waiver by the Superintendent shall be communicated to the Board at the time of nomination. The findings and the decision of the Superintendent shall be final.
- C. Probationary employees who have been denied permanent employment because of their criminal record shall receive a written notice from the CBC Committee and notice of the right to appeal such a decision. They shall be advised of their appeal rights to the Superintendent. The employee shall have the opportunity to respond in writing to the findings and the decision of the Superintendent shall be final.

Individuals whose fingerprints have not been retained by the FDLE must be re-fingerprinted and re-screened upon re-employment or re-engagement to provide service as a support staff member that has direct contact with students in order to comply with the law.

No employee shall be hired or report to a work site before the FDLE and FBI background (Level II) is reviewed and the individual has been cleared.

F.S. 435.09

F.S. 943.0435

F.S. 943.0585(6)(b)

F.S. 943.059(6)(b)

F.S. 1001.10(5)

F.S. 1001.41

F.S. 1001.42

F.S. 1012.23

S. 1012.27(6)

r.S. 1012.315

F.S. 1012.32

F.S. 1012.56

F.A.C. 6A-10.083

Effective 9/5/12

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Book	Policy Manual
Section	4000 Support Staff
Title	CRIMINAL BACKGROUND AND EMPLOYMENT HISTORY CHECKS
Code	po4121.01
Status	
Legal	F.S. 435.09 F.S. 943.0435 F.S. 943.0585(6)(b) F.S. 943.059(6)(b) F.S. 1001.10(5) F.S. 1001.41 F.S. 1001.42 F.S. 1012.27(6) F.S. 1012.315 F.S. 1012.32 F.S. 1012.56 F.A.C. 6A-10.083
Adopted	September 4, 2012

4121.01 - CRIMINAL BACKGROUND AND EMPLOYMENT HISTORY CHECKS

The safety of its students is of paramount importance to the District. Consistent with this concern for student safety, and in compliance with Florida law, the District requires that, prior to initial employment or re-employment if there has been a break in service, all candidates for all positions shall be subject to a criminal background check to determine eligibility for employment.

The application for employment shall inform the applicants that they are subject to criminal background and employment history checks.

The cost of the background screening related to initial employment or re-employment after a break in service will be borne by the candidate for employment.

District students, enrolled in Diversified Cooperative Training or other school-sponsored employment programs, will be required to complete a set of fingerprints without cost to the student.

Fingerprints of candidates for employment or re-employment if there has been a break in service shall be submitted to the Florida Department of Law Enforcement (FDLE) for Statewide criminal and juvenile records checks and to the Federal Bureau of Investigation (FBI) for Federal criminal records checks.

A person who is found ineligible for employment under F.S. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of

Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. For purposes of this policy, "convicted" means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in F.S. 943.0435.

~~A person who is found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students.~~

Probationary persons subject to this section who are terminated because of their criminal record have the right to appeal such decisions.

Individuals whose fingerprints have not been retained by the FDLE must be re-fingerprinted and re-screened upon re-employment or re-engagement to provide service as a support staff member in order to comply with the law.

Furthermore, before employment support staff in any position that requires direct contact with students, the Superintendent shall conduct employment history checks of each of the candidate's previous employer(s), review each affidavit of separation from previous employers pursuant to F.S. 1012.31, and document the findings. If unable to contact previous employer(s), the Superintendent shall document efforts to contact the employer.

All support staff members employed by the District must self-report arrests for serious offenses (see AP 4121.01).

Additionally, the fingerprints of all support staff members who are employed by the District and have no break in service must be re-submitted to the FDLE and to the FBI every five (5) years so that subsequent Statewide criminal and juvenile records checks and Federal criminal records checks can be completed as required by law.

The cost of this subsequent background screening will be borne by the Board.

The information contained in reports received from the FDLE and the FBI is confidential.

Although permissible by State law, the District will not share information received as the result of the criminal history background check with other school districts.

The Board authorizes the Superintendent to establish a Criminal Background Check (CBC) Committee to review and make a determination for applicants who have been nominated for employment and for whom a background check identifies a potential problem. The CBC Committee shall obtain criminal background information (Level II Screening) for applicants through requests to the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI).

When the fingerprint or background check reports reflect a criminal history, the Committee shall review both the application and the report(s) concerning the individual. The CBC Committee shall also request and compare information provided by the new employee with the information received from the FDLE and/or the FBI (Level II) pursuant to F.S. 1012.21 and 1012.23.

The CBC committee does not have the authority to clear candidates with felony convictions fewer than five (5) years or misdemeanor convictions fewer than three (3) years.

Upon the receipt of a formal appeal by the applicant, the CBC Committee may consider specific mitigating circumstances for felony offenses committed within the past five (5) years and not otherwise enumerated in F.S. 1012.315 and, if the committee concurs, recommend a waiver to the Superintendent. The Superintendent may recommend background clearance for consideration by the Board.

Upon the receipt of a formal appeal by the applicant, the Board authorizes the Superintendent to consider background clearance when specific mitigating circumstances have been identified by the applicant for misdemeanor offenses committed within the past three (3) years.

In situations where an applicant has been convicted of the offenses listed below or found to have committed an act in an administrative proceeding or a civil action, consideration of certain mitigating circumstances may be applied by the CBC Committee that allow for consideration of an applicant without a request for a waiver from the School Board. In these situations where an applicant is nominated for employment due to mitigation, the Superintendent will personally approve the recommendation of the committee and so notify the Board.

- A. Possession or use of controlled substances.
- B. Driving under the influence of alcohol or unsafe driving record.
- C. Bad checks, misappropriation of funds or theft of personal property.
- D. Committing or conviction of a misdemeanor.

E. Harassment, discrimination, or incidents that evidence prejudice of a student or adult on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation or social and family background; or harassment or discrimination which interferes with an individual's work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment.

F. Committing a felony not included in F.S. 435.04.

The circumstances for each situation identified in 7a-f and 9a-f above will be individually considered as well as the position to which the applicant is applying. Aggravating and mitigating factors or circumstances to be considered by the CBC Committee include:

- A. The severity of the offense.
- B. The age of the victim or student/child involvement.
- C. The danger posed to the public including the degree of physical and mental harm to a student, other employees or members of the public.
- D. The actual damage, physical or otherwise, caused by the misconduct.
- E. Any repetition of the offense(s) and length of time between offenses.
- F. Attempts by the applicant to correct or stop the misconduct or mitigate its effect.
- G. Actual negligence of the applicant pertaining to any misconduct.
- H. Pecuniary benefit or self-gain to the applicant realized by the misconduct.
- I. The deterrent effect of the punishment or discipline imposed.
- J. Related misconduct by the applicant in other employment including findings of guilt or innocence, discipline imposed and/or discipline served.
- K. Any effort of rehabilitation by the applicant.
- L. If previously employed by the District, the number of times the applicant has been previously disciplined by the District as well as the type of discipline.
- M. The length of time since the misconduct, with a minimum of three (3) years. (In circumstances where there is one offence which is not violent or child related, applicants may be considered within the three (3) year period.)
- N. Any other relevant mitigating or aggravating factors under the circumstances.

Reconsideration and Appeal

- A. Applicants who have been denied employment because of their criminal record shall receive written notice and may request reconsideration by the CBC Committee only if they present new information not previously available to the committee.
- B. Applicants who have been denied consideration by the CBC Committee may appeal to the Superintendent or designee for a reconsideration of their case. Their appeal must be in writing and may not include any documents or material which has not been previously considered by the CBC Committee. Approval of a waiver by the Superintendent or designee shall be communicated to the Board at the time of nomination. The findings and the decision of the Superintendent shall be final.
- C. Probationary employees who have been denied permanent employment because of their criminal record shall receive a written notice from the CBC Committee and notice of the right to appeal such a decision. They shall be advised of their appeal rights to the Superintendent or the Superintendent's designee. The employee shall have the opportunity to respond in writing to the findings and the decision of the Superintendent shall be final.

Individuals whose fingerprints have not been retained by the FDLE must be re-fingerprinted and re-screened upon re-employment or re-engagement to provide service as a support staff member that has direct contact with students in order to comply with the law.

No employee shall be hired or report to a work site before the FDLE and FBI background (Level II) is reviewed and the individual has been cleared.

F.S. 435.09

F.S. 943.0435

F.S. 943.0585(6)(b)

F.S. 943.059(6)(b)

F.S. 1001.10(5)

F.S. 1001.41

F.S. 1001.42

F.S. 1012.27(6)

F.S. 1012.315

F.S. 1012.32

F.S. 1012.56

1.C. 6A-10.083

Effective 9/5/12

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Book Policy Manual

Section 8000 Operations

Title MANDATORY REPORTING OF MISCONDUCT

Code po8141

Status

Legal F.S. 1001.42(6)
F.S. 1001.42(7)(b)
F.S. 1001.51(12)(b)
F.S. 1006.061(2)
F.S. 1012.795
F.S. 1012.796
F.S. 1012.796(d)
F.S. 1012.796(e)

Adopted September 4, 2012

8141 - MANDATORY REPORTING OF MISCONDUCT ~~BY CERTIFICATED EMPLOYEES~~

The School Board recognizes its responsibilities to effectively address employee misconduct and, where determined appropriate, to provide a measured disciplinary response consistent with due process. ~~In addition, with respect to certificated and/or certificated professional staff members, matters of misconduct, including conviction of certain crimes enumerated by law and/or conduct that is unbecoming to the teaching profession, will be reported by the Superintendent to the Florida Department of Education.~~

Any person who knows, or has reasonable cause to suspect, that a child is abused, neglected, or abandoned by a parent, legal custodian, caregiver, or other person responsible for the child's welfare shall immediately report such knowledge or suspicion to the central abuse hotline of the Department of Children and Families pursuant to Chapter 39, F.S. Nothing in this policy will exempt an individual of mandatory reporting as required by Florida law.

For purposes of this policy, the term "employee(s)" includes all employees of the District and school officers as defined in F.S. 1012.01.

Reporting ~~Professional~~ Misconduct

~~All employees~~ District staff are required to report to the Superintendent alleged misconduct by District employees that affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student.

In matters involving alleged ~~professional~~ misconduct, no other ~~employee staff member~~ will be designated to receive such a report.

If the alleged misconduct to be reported is regarding the Superintendent, the District employee shall report the alleged misconduct to the Board attorney. Failure to report such alleged misconduct shall result in appropriate disciplinary action (F.S. 1012.796(d)). The report shall be made in accordance with Policy 9130 - Public Complaints.

The Superintendent shall investigate any allegation of misconduct by District employees that affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student, and shall report the alleged misconduct to the Department of Education as required in F.S. 1012.796, 1001.51(12)(b), 1001.42(7)(b), and must notify the Florida Department of Education of the result of the investigation and whether the misconduct warranted termination, regardless of whether the person resigned or was terminated before the conclusion of the investigation.

The Superintendent shall report to law enforcement agencies with jurisdiction any misconduct that would result in disqualification from educator certification or employment as set forth in F.S. 1012.315.

Staff alleged to have committed such misconduct shall be reassigned pending the outcome of a misconduct investigation.

Parental Notification of Alleged Misconduct

Within thirty (30) days of the date on which the District learns of misconduct by any employee of the District that affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, lewd conduct with a student, or any conduct that would result in disqualification from educator certification or employment as provided in F.S. 1012.315, the parent of a student who was subjected to or affected by such misconduct shall receive written notification informing the parent of the following:

- A. the alleged misconduct, including which allegations have been substantiated, if any;
- B. whether the District reported the misconduct to the FLDOE, if required by F.S. 1012.796;
- C. the sanctions imposed by the District against the employee, if any; and
- D. support the District will make available to the student subjected to or affected by the misconduct.

Parental notification shall be provided consistent with the provisions set forth in Policy 1590, Policy 3590, and Policy 4590, including the statutory requirement that school administrators, educational support personnel, and instructional staff members be provided ten (10) days notice before the disclosure of derogatory material.

Filing a Complaint with the Department of Education

If it is alleged that an instructional staff member, educational support personnel, or administrator has committed a violation as provided in F.S. 1012.795, and defined by rule of the State Board of Education, the Superintendent shall file with the Department of Education a legally sufficient complaint within thirty (30) days after the date on which the subject matter of the complaint came to the attention of the Superintendent, regardless of whether the subject of the complaint is still an employee of the District. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in F.S. 1012.795 and defined by rule of the State Board of Education. The Superintendent shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the Department of Education to investigate complaints, regardless of the District's untimely filing, or failure to file, complaints and follow-up reports (F.S. 1012.796(e)).

Report of Resignation or Termination

If the Superintendent determines that a legally sufficient complaint of misconduct by an instructional staff member or an administrator who holds a certificate issued by the Florida Department of Education, or by any educational support personnel that affects the health, safety, or welfare of a student and the misconduct warrants termination, the staff member may resign or be terminated and the Superintendent must immediately report the misconduct to the Department of Education in the format prescribed by the Department even if the instructional staff member, educational support personnel, or administrator resigns or is terminated before the conclusion of the District's investigation. The Department shall maintain each report of misconduct as a public record in the instructional personnel's certification files (F.S. 1012.796(d)).

Transmittal of False or Incorrect Report

The Superintendent shall not knowingly sign and transmit to any State official a report that the Superintendent knows to be false or incorrect.

The superintendent may not knowingly sign and transmit to any State official a report that the superintendent knows to be false or incorrect or knowingly fail to complete the investigation of any allegation of misconduct, that affects the health, safety, or welfare of a student, that would be a violation of F.S. 800.101 or that would be a disqualifying offense under F.S. 1012.315, or any allegation of sexual misconduct with a student. The superintendent may not knowingly fail to report the alleged misconduct to the Florida Department of Education as required in F.S. 1012.796, or

knowingly fail to report misconduct to the law enforcement agencies with jurisdiction over the conduct pursuant to Board policy under F.S. 1001.42.

Pursuant to F.S. 1001.42(7), a Board member may not knowingly sign and transmit to any State official a report of alleged misconduct by instructional personnel, **educational support personnel**, or school administrators that affects the health, safety, or welfare of a student that the Board member knows to be false or incorrect.

Requirement of Disclosure of Employee Misconduct

The Board, Superintendent, or any other District employee, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel, **educational support personnel**, or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional **or educational support** personnel, **or administrators** with employment references or discuss the personnel's performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional **or educational support** personnel **or administrators that** ~~which~~ affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced (F.S. 1001.42(6)).

Posting Requirements

Pursuant to F.S. 1006.061(2), this policy shall be posted in a prominent place at each school site and on each school's internet website, so that the policy and procedures for reporting alleged misconduct by instructional **or educational support** personnel or school administrators that affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional **or educational support** personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional **or educational support** personnel or school administrators is effectively communicated to all.

Liability

Employees who report misconduct which affects the health, safety, or welfare of a student may be entitled to certain statutory liability protections as set forth in F.S. 39.203 and 768.095.

Effective 9/5/12

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