

February 7, 2018

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

**SUBJECT: INITIAL READING: PROPOSED AMENDMENTS TO POLICIES
2431, *INTERSCHOLASTIC ATHLETICS*; 5200, *ATTENDANCE*;
AND 8340, *LETTERS OF REFERENCE***

COMMITTEE: PERSONNEL, STUDENT, SCHOOL, & COMMUNITY SUPPORT

**LINK TO
STRATEGIC
BLUEPRINT: SAFE, HEALTHY AND SUPPORTIVE LEARNING ENVIRONMENT**

Consistent with the Board's statutory responsibility to periodically review and update its policies to conform to legislative changes and District practices, authorization is requested for the Superintendent to initiate rulemaking to amend Board policies 2431, *Interscholastic Athletics*; 5200, *Attendance*; and 8340, *Letters of Reference*. These amendments have been recommended by NEOLA, Inc., the Board's policy consultant, or are being proposed to clarify or conform to District practices, and all have been drafted and reviewed by the District departments that will implement them.

Board Policy 2431, *Interscholastic Athletics*, is proposed to be amended to reflect the statutory requirements and criteria for students enrolled in home education, virtual school, charter schools, and non-FHSAA member private schools of 125 students or fewer, to participate in District athletic programs.

The amendment proposed to Board Policy 5200, *Attendance*, incorporates a new statutory requirement that schools treat absences during the school day due to autism therapy appointments as an excused absence from school.

Finally, proposed amendments to Board Policy 8340, *Letters of Reference*, add the prohibition from the Every Student Succeeds Act (ESSA) against any Board employee, contractor, or agent from assisting another employee, contractor, or agent from obtaining a new job if there is probable cause to believe the person engaged in sexual misconduct in violation of federal or state law. In addition, the policy amendments clarify that the School Board is immune from civil liability for disclosures under certain circumstances. The amendment also proposes to change the title of the policy to *Letters of Reference And Disclosure of Information Regarding Former or Current Employees*.

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Attached is the Notice of Intended Action and policy amendments. Changes are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Board policies 2431, *Interscholastic Athletics*; 5200, *Attendance*; and 8340, *Letters of Reference*.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to initiate rulemaking proceedings to amend Board policies 2431, *Interscholastic Athletics*; 5200, *Attendance*; and 8340, *Letters of Reference*.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on February 21, 2018, its intention to amend Board policies 2431, *Interscholastic Athletics*; 5200, *Attendance*; and 8340, *Letters of Reference* at its regular meeting on April 25, 2018.

PURPOSE AND EFFECT: Consistent with the Board's statutory responsibility to periodically review and update its policies to conform to legislative changes and District practices, amendments are being proposed to several Board policies. Board Policy 2431, *Interscholastic Athletics*, is proposed to be amended to reflect the statutory requirements and criteria for students enrolled in home education, virtual school, charter schools, and non-FHSAA member private schools of 125 students or fewer, to participate in District athletic programs.

The amendment proposed to Board Policy 5200, *Attendance*, incorporates a new statutory requirement that schools allow absences during the school day due to autism therapy appointments to be treated as an excused absence.

Finally, proposed amendments to Board Policy 8340, *Letters of Reference*, add the prohibition from the Every Student Succeeds Act (ESSA) against any Board employee, contractor, or agent from assisting another employee, contractor, or agent from obtaining a new job if there is probable cause to believe said person engaged in sexual misconduct in violation of Federal or State law. In addition, the policy amendments clarify that the School Board is immune from civil liability for disclosures under certain circumstances. The amendment also proposes to change the title of the policy to *Letters of Reference and Disclosure of Information Regarding Former or Current Employees*.

SUMMARY: Consistent with the Board's statutory responsibility to periodically review and update its policies to conform to legislative changes and District practices, amendments are being proposed to the following Board policies: 2431, *Interscholastic Athletics*; 5200, *Attendance*; and 8340, *Letters of Reference*.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1), (2), (3); 1001.42 (3), (15), (23); 1001.43 (3), (10); 1001.49 (3), F.S.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: Every Student Succeeds Act of 2015; 1002.23, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING on April 25, 2018, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by March 19, 2018, to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. Section 286.0105, F.S.

COPIES OF THE PROPOSED AMENDED POLICIES are available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 N.E. Second Avenue, Miami, Florida 33132.

policy

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INTERSCHOLASTIC ATHLETICS

2 The District's program of interscholastic athletics shall include all activities relating
3 to competitive sport contests, games, or events involving individual students or
4 teams of students from high schools in this District with those from a high school in
5 another district. Middle school/K-8 center athletic teams may not play
6 out-of-county or against out-of-county teams within the county. All students shall
7 be permitted to select their own school team sports activities without duress or
8 interference by any employee.

9 All high schools shall be members of and governed by the Florida High School
10 Athletic Association (FHSA) rules and regulations.

11 All high school students shall comply with the eligibility requirements established by
12 the FHSA. The School Board may adopt more stringent rules of eligibility to be met
13 by all students participating in the interscholastic program, including but not
14 limited to requirements that each student be in good physical condition, be free of
15 injury, and have fully recovered from illness before participating in any
16 interscholastic athletic event. Individual verification will be done at the school site.

17 There shall be no organized program of interschool competition of a varsity pattern
18 for elementary school children in any activity. Boxing, tackle football, and other
19 body contact sports shall not be included in any program for children in the
20 elementary schools.

21 No student shall be excused from a class or supervised study for an extended period
22 of consecutive days to participate in interscholastic athletics.

23 The Superintendent shall develop appropriate administrative procedures for the
24 operation of the athletic program which provide:

25 A. the District shall assume no liability for any student with a health
26 condition who has been authorized to play by the parents and their
27 physician;

28 B. any student who incurs an injury requiring a physician's care is to
29 have the written approval of a physician prior to the student's return
30 to participation;

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1 C. in order to minimize health and safety risks to student-athletes and
2 maintain ethical standards, school personnel, coaches, and athletic
3 trainers should never dispense, supply, recommend, or permit the
4 use of any drug, medication, or food supplement solely for
5 performance-enhancing purposes;

6 D. the Superintendent is to ensure that sportsmanship, ethics, and
7 integrity characterize the manner in which the athletic program is
8 conducted and the actions of students who participate.

9 In order to support the FHSAA's program to strengthen sportsmanship, ethics, and
10 integrity, the Board shall:

11 A. adopt policies (upon recommendation of the administration) which
12 reflect the District's educational objectives and promote the ideals of
13 good sportsmanship, ethics, and integrity;

14 B. reinforce the concept that participation in athletic activities are a
15 privilege, not a right;

16 C. attend and enjoy school athletic activities, serving as a positive role
17 model and expecting the same from parents, fans, participants,
18 coaches, and other school personnel;

19 D. support and recognize participants, coaches, school administrators,
20 and fans who display good sportsmanship;

21 E. recognize the value of school athletic activities as a vital part of
22 education.

23 Regulations to be observed by school personnel are found in the Interscholastic
24 Athletic Manual and in the Middle Schools and K-8 Centers Program Administrative
25 Athletic Procedures Manual, and are on file in the Office of Board Recording
26 Secretary, the Citizen Information Center, and the Office of the Board Clerk.

27 The Division of Athletics/Activities and Accreditation shall:

28 A. provide the schools with consistent, unified leadership in their
29 athletic programs.

30 B. provide athletic opportunities to all high school and middle school
31 students.

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- 1 C. develop and recommend policies for Board consideration which will
- 2 continue the development of athletics within the overall educational
- 3 program.
- 4 D. carry out and administer the Board's policies through the Office of
- 5 the Superintendent.
- 6 E. interpret Board policy to the extent necessary to provide guidance
- 7 for schools in areas not specifically covered by policy.
- 8 F. provide the management leadership on a countywide basis to enable
- 9 all students to develop their individual athletic capabilities and
- 10 receive maximum benefit from balanced, well-managed, and
- 11 well-operated athletic programs.

12 **Greater Miami Athletic Conference (GMAC)**

13 Other than Christopher Columbus High School, non-public schools shall not be
14 permitted to become members of the GMAC.

15 The Executive Committee of the GMAC shall consist of: president, first vice
16 president, second vice president, immediate past president, two (2) delegated
17 principals (north and south), two (2) delegated athletic directors (north and south),
18 an FHSAA board representative, a representative of the secondary principals group,
19 and four (4) members-at-large. The Administrative Director of the Division of
20 Athletics/Activities and Accreditation and the GMAC Executive Secretary serve as
21 non-voting, ex-officio members. Two (2) members from the same school may not
22 serve on the executive committee at the same time.

23 The executive secretary shall be responsible for supervision of the high school
24 athletic program as prescribed in the bylaws, standing rules, and policies of the
25 GMAC, and shall be the executive officer of this conference.

26 The Administrative Director of the Division of Athletics/Activities and Accreditation
27 shall:

- 28 A. administer a special trust fund shall to aid schools in financial
- 29 distress by assessment of each GMAC member school, on a one-time
- 30 basis, an amount not to exceed \$1,000. The exact amount of
- 31 assessment will be determined by the Administrative Director of the
- 32 Division of Athletics/Activities and Accreditation based on the
- 33 number of sports offered at an individual school.

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- 1 B. develop procedures for distribution and repayment. Should the
2 fund fall below a reasonable level, each school will be notified of the
3 additional assessment and will issue a check made payable to the
4 Greater Miami Athletic Conference where the special trust fund is
5 maintained.
- 6 C. develop and enforce special directives as shall be necessary to
7 provide uniform policy within the District and to ensure an effective
8 athletic program in the various senior high schools.
- 9 D. standardize the operations of the athletic departments in all high
10 schools.
- 11 E. manage all athletic events in the District, within the policies of the
12 GMAC, FHSAA, and Board policies.
- 13 F. help all schools to develop their athletic capabilities.
- 14 G. help develop realistic athletic budgets.

Interscholastic Athletic Eligibility

The following conditions apply to athletic eligibility for all senior high school students commencing with the successful completion of the eighth grade as defined by Policy 5410, Student Progression Plan. These requirements are in addition to all academic and conduct eligibility requirements contained in Board Policy 5845, Student Activities, Board Policy 5500, Student Conduct and Discipline, and those of the FHSAA and the GMAC Bylaws.

In accordance with State law, "eligibility to participate" includes, but is not limited to, participating in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice, or contest.

In accordance with State law, students granted transfers in accordance with applicable eligibility and transfer policies shall be immediately eligible to participate in high school athletic programs at the new school. However, a student may not participate in a sport if the student participated in that same sport at another school during that school year (mid-season transfer), unless the student meets one (1) of the following criteria:

- A. dependent children of active military duty personnel whose move resulted from military orders;

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B. children who have been relocated due to a foster care placement in a different school zone;

C. children who move due to a court ordered change in custody due to separation or divorce, or serious illness or death of a custodial parent; or

D. is otherwise authorized only under the following good cause circumstances:

1. students who have fully and completely moved to a new residence in Miami-Dade County from another Florida county or another state;

2. students who are involuntary reassigned by the Board during the school year to a different school for reasons other than athletic or disciplinary;

3. students who transfer within the first twenty (20) days of the school year to magnet schools or programs that are subject to specific admissions requirements and/or random lotteries that are governed by Policy 2370, Magnet Programs/Schools;

4. all good cause mid-season transfer eligibility requests must be reviewed and approved by the Superintendent's Athletic Eligibility Transfer Review Committee (AETRC) prior to engaging in athletic participation

Students enrolled in home education, virtual school or a charter school are eligible to participate in a District interscholastic sport at the public school to which the student would be assigned according to Policy 5120 or Policy 5131(home school or controlled open enrollment) and must fulfill the same academic and nonacademic requirements as any other participant under state law and Board policy. Home education students must also fulfill the Florida home education requirements.

Students enrolled in non-FHSAA member private schools consisting of 125 students or fewer are eligible to participate in a District interscholastic sport at the public school to which the student would be assigned according to Policy 5120 or Policy 5131 (home schools or controlled open enrollment) and must fulfill the same academic and nonacademic requirements as any other participant under state law and Board policy.

Any student or parent who is found to have falsified enrollment, transfer, or eligibility information shall be declared athletically ineligible to participate for at

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1 least one (1) full calendar year from the date of discovery of the violation or as
2 otherwise determined by the AETRC.

3 The AETRC consists of one (1) District-level administrator, three (3) senior high
4 school principals, three (3) senior high school athletic directors, one (1)
5 representative from the District Athletic Advisory Committee, and an administrator
6 from the Division of Athletics/Activities and Accreditation, who serves as an ex
7 officio member. The AETRC shall review all requests for mid-season transfers based
8 on good cause as defined in this policy. The Committee will meet at least once a
9 month. All AETRC decisions regarding athletic eligibility that are reviewed by the
10 AETRC will be forwarded to the Region Superintendent and principal of the affected
11 schools for information purposes. AETRC decisions are final.

12 A student receiving any type of transfer into a senior high school must abide by all
13 State laws, the FHSAA and GMAC Bylaws, and applicable Board policies pertaining
14 to athletic eligibility.

15 Violations of the transfer policy with regard to athletic eligibility may result in
16 forfeiture of athletic contest(s), fines, and/or probation. Penalties to be assessed will
17 be determined by the Director of the Division of Athletics/Activities and
18 Accreditation and Executive Secretary, GMAC.

19 The principal shall be responsible for control of the athletic programs, coaches,
20 booster groups, and student athletes.

21 A student's eligibility to participate in any interscholastic athletics and/or
22 extra-curricular activity may not be affected by any alleged recruiting violation until
23 final disposition of the allegation pursuant to F.S. 1006.20.

24 In accordance with State law, students who are permitted to participate in
25 interscholastic and/or extra-curricular activities at a public school in which they are
26 not enrolled are subject to the Board's *Code of Student Conduct* for the limited
27 purpose of establishing and maintaining the student's eligibility to participate in the
28 school-related function. These students must comply with the specific requirements
29 contained in F.S. 1006.15 that govern their particular circumstances.

30 F.S. 1002.20

31 F.S. 1006.07

32 F.S. 1006.08

33 F.S. 1006.09

34 F.S. 1006.15

35 F.S. 1006.18

36 F.S. 1006.195

37 F.S. 1006.20

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1 Revised 3/15/17

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ATTENDANCE

1

2 Parents and students are responsible for attendance which shall be required of all
3 students during the days and hours that the school is in session.

4 Absences shall be reported to the school attendance office by the parent or adult
5 student as soon as practicable. The Superintendent shall require, from the parent
6 of each student of compulsory school age or from an adult student who has been
7 absent from school or from class for any reason, a statement of the cause for such
8 absence. The District reserves the right to verify such statements and to investigate
9 the cause of each single absence.

10 Educators shall encourage regular attendance of students, maintain accurate
11 attendance records, and follow reporting procedures prescribed by the
12 Superintendent.

13 Accordingly:

- 14 A. if the parent who has legal custody of a student requests that no one
15 else be permitted to confer with the child at school the principal
16 and/or teacher is required to honor this request;
- 17 B. students are not to be taken out of their regular classes to prepare
18 for programs other than school-sponsored activities;
- 19 C. when a student has been absent three (3) consecutive days and the
20 school has been unable to ascertain the reason for the absences, the
21 absences shall be investigated by the school principal or at any
22 other time if deemed necessary;
- 23 D. the parent or adult student shall report absences to the school as
24 soon as practicable. Failure to report and explain the absence(s)
25 shall result in unexcused absence(s). The principal shall have the
26 final authority for determining acceptability of the reason for the
27 absence(s).

Each school should establish procedures to ensure good attendance. A student who is absent more than nine (9) days within a semester or more than four (4) days for schools on a block schedule, will not receive a passing grade for the semester unless:

A. medical evidence is presented to the principal in writing justifying a specific number of days absence, absences are for approved school activities, or absences are approved by the Principal, and

B. the student demonstrates mastery of the student performance standards in the course(s) as identified in curriculum guides and/or adopted textbooks.

If the absences are excused, all educational requirements for the course shall be met before a passing grade and/or credit is assigned. The student shall have a reasonable amount of time, up to three (3) school days, to complete make-up work for excused absences. Principals may grant extensions to the make-up time limit for extenuating circumstances. Regarding make-up of the work missed as a result of unexcused absences, each principal shall establish site-specific policies that encourage both regular attendance and high academic achievement, and shall review and modify these policies from time-to-time as required to maintain and improve their effectiveness.

Attendance Defined

A. School Attendance - Students are to be counted in attendance only if they are actually present for at least two (2) hours of the day or engaged in a school-approved educational activity which constitutes a part of the instructional program for the student.

B. Class Attendance - Students are to be counted in attendance if they are physically present in class for at least half of the class period, have been excused by the teacher on a class-related assignment, or have been requested by a member of the school support staff for an approved school activity.

C. Tardiness - A student is considered tardy if they are not present at the moment the school bell rings for the class assigned. NOTE: If a student is not present when attendance is taken but is present later in the school day, that student must be considered in attendance, but tardy, and the absence should be changed. A student who is tardy should never remain on record as being absent.

- 1 D. Early Sign-outs –No student shall be released within the final
2 thirty (30) minutes of the school day unless authorized by the
3 principal or principal's designee (i.e., emergency, sickness).
- 4 Each student who is scheduled at a school center for instructional purposes for a
5 partial day, and at an area vocational-technical center, a vocational school or a
6 community college for a partial day shall, if present at the school center, be reported
7 as present one-half day.
- 8 Reasonable excuses for time missed at school:
- 9 A. Personal illness of the student (medical evidence may be required by
10 the Principal for absences exceeding five (5) consecutive days). The
11 written statement must include all days the student has been
12 absent from school. If a student is continually sick and repeatedly
13 absent from school due to a specific medical condition, s/he must
14 be under the supervision of a health care provider in order to receive
15 excused absences from school.
- 16 B. Court appearance of the student, subpoena by law enforcement
17 agency, or mandatory court appearance.
- 18 C. Absence due to a medical appointment requires a written statement
19 from a health care provider indicating the date and time of the
20 appointment and submitted to the Principal.
- 21 D. An approved school activity (absences recorded but not reported).
- 22 E. Other absences with prior approval of the Principal.
- 23 F. Attendance at a center under Department of Children and Families
24 supervision.
- 25 G. Significant community events with prior permission of the Principal.
26 When more than one (1) school is involved, the Region
27 Superintendent will determine the status of the absence.
- 28 H. Observance of a religious holiday or service when it is mandated for
29 all members of a faith that such a holiday or service should be
30 observed.
- 31 I. Death in the immediate family.

1 J. School-sponsored event or educational enrichment activity that is
2 not a school-sponsored event, as determined and approved by the
3 Principal. The student must receive advance written permission
4 from the Principal. Examples of special events include: public
5 functions, conferences, and regional, State, and national
6 competitions.

7 K. Outdoor suspension.

8
9 L. Appointments for a therapy service provided by a licensed health
10 care practitioner or behavior analyst certified pursuant to Florida
11 law for the treatment of autism spectrum disorder including, but not
12 limited to, applied behavioral analysis, speech therapy, and
13 occupational therapy.

14 LM. Other individual student absences beyond the control of the parent
15 or student, as determined and approved by the Principal, requires
16 documentation related to the condition.

17 Unexcused absences include absences due to:

18 A. vacations, personal services, local non-school event, program or
19 sporting activity;

20 B. older students providing day care services for siblings;

21 C. illness of others;

22 D. non-compliance with immunization requirements (unless lawfully
23 exempted).

24 Absences not included in excused absences listed above shall be unexcused. Any
25 student who has been absent from school will be marked unexcused absent until
26 s/he submits the required documentation. Failure to provide required
27 documentation within three (3) school days upon the return to school will result in
28 an unexcused absence. Unexcused absences do not require that the teacher provide
29 make-up work for the student.

30 A student accumulating ten (10) or more class unexcused absences in an annual
31 course or five (5) or more class unexcused absences in a designated semester course
32 may have quarterly, semester and final grade(s) withheld pending an administrative
33 screening and completion of assigned interventions by the Attendance Review
34 Committee.

35 Unexcused absences shall not be grounds for suspension from school but may
36 result in detention or placement in existing alternative programs.

Any student who fails to attend any regularly scheduled class and has no excuse for absence should be referred to the appropriate administrator. Disciplinary action should include notification to parents or guardians. Chronic truancy or deliberate nonattendance in excess of fifteen (15) school days within a ninety (90) calendar day period shall be sufficient grounds for withdrawal of students sixteen (16) years of age or older, who are subject to compulsory school attendance under F.S. 1003.21.

The Superintendent shall develop administrative procedures that:

- A. ensure proper procedures are established so the student and his/her parents are provided the opportunity to challenge the attendance record prior to notification and that such notification complies with applicable Board policies;
- B. ensure a school session which is in conformity with the requirements of the rules of the State Board;
- C. govern the keeping of attendance records according to State Board rules;
- D. identify the habitual truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;
- E. ensure that students whose absence has been excused have an opportunity to make up work they missed and receive credit for the work, if completed;
- F. ensure that any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the District's limit on excused absence is referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 or other appropriate accommodation.

The regulations should provide that a student's grade in any course is based on performance in the instructional setting and is not reduced for reasons of conduct. If students violate the attendance or other rules of the school, they should be disciplined appropriately for the misconduct, but his/her grades should be based upon what the students can demonstrate they have learned.

1 Attendance Records and Reports Required

2 All officials, teachers, and other employees shall keep all records and shall prepare
3 and submit promptly all reports that may be required by law, State rules, and
4 District policies. These records shall include a register of enrollment and attendance
5 and all persons named shall make reports. The enrollment register shall show the
6 absence or attendance of each child enrolled for each school day of the year in a
7 manner prescribed by the State Board. The register shall be open for inspection by
8 the Superintendent. Violations of this section shall be a misdemeanor of the second
9 degree, punishable as provided by law.

10 Falsification of Attendance Records - Penalty

11 The presentation of reasonable and satisfactory proof that any teacher, principal,
12 any other school personnel or school officer, has falsified or caused to be falsified
13 attendance records for which they are responsible shall be sufficient grounds for the
14 revocation of his/her teaching certificate by the Department of Education, or for
15 dismissal or removal from office.

16 The principal shall require:

- 17 A. attendance/tardiness is taken and recorded by authorized persons
18 at a designated time every official school day;
- 19 B. a review of classes that have excessive absences in order to
20 determine if the quality of instruction is a factor in the failure of
21 students to attend class on a regular basis;
- 22 C. an authorized person(s) to determine the status of each
23 absence/tardiness;
- 24 D. parents be notified each time their child is absent from school
25 possible;
- 26 E. the steps outlined in F.S. 1003.26 regarding regular school
27 attendance are implemented;
- 28 F. an Attendance Review Committee is established at the school;
- 29 G. consideration of appeals made by students and/or parents
30 regarding recommendations of the Attendance Review Committee.

1 The teacher shall:

- 2 A. encourage school and class attendance with challenging and
3 rigorous instruction and curriculum and by demonstrating an
4 interest in the welfare of students;
- 5 B. take attendance during homeroom and whenever students change
6 instructors in elementary schools and take attendance each period
7 of the school day in secondary schools, and report absences as
8 required by the school;
- 9 C. at the request of the student or parent, provide make-up
10 assignments for excused absences/tardinesses.

11 The student shall:

- 12 A. attend classes 180 days each school year;
- 13 B. request the make-up assignments for all excused
14 absences/tardinesses from teachers upon return to school or class
15 within three (3) days;
- 16 It should be noted that all classwork, due to the nature of
17 instruction, is not readily subject to make-up work.
- 18
- 19 C. complete the make-up assignments for classes missed within the
20 equivalent number of days absent;
- 21
- 22 Failure to make up all assignments will result in a lower assessment
23 of the student's academic and/or effort grade.
- 24 D. be reported as present for the school day in order to participate in
25 athletic and extracurricular activities.

26 The parent shall:

- 27 A. be responsible for their child's school attendance as required by law
28 and stress the importance of regular and punctual school
29 attendance with their child;
- 30 B. report and explain an absence or tardiness to the school;

- 1 C. ensure that the child has requested and completes make-up
2 assignments for all excused absences/tardinesses from the teachers
3 upon return to school or class;
- 4 D. appear before the Attendance Review Committee at the scheduled
5 time to provide information relating to their child's absences and to
6 support prescribed activities.

7 **Truancy**

8 If a child does not comply with efforts to enforce school attendance, the
9 Superintendent may file a truancy petition. Any student who has a total of
10 fifteen (15) days of unexcused absence from school within a ninety (90) calendar day
11 period will be considered habitually absent. The Superintendent shall inform the
12 student and parents of the record of excessive absences as well as the District's
13 intent to notify the Department of Highway Safety and Motor Vehicles.

14 If a student has had at least five (5) unexcused absences, or absences for which the
15 reasons are unknown, within a calendar month or ten (10) unexcused absences, or
16 absences for which the reasons are unknown, within a ninety (90) calendar day
17 period, the student's primary teacher shall report to the school principal or his/her
18 designee that the student may be exhibiting a pattern of nonattendance. The
19 principal shall, unless there is clear evidence that the absences are not a pattern of
20 nonattendance, refer the case to the school's child study team to determine if early
21 patterns of truancy are developing. If the child study team finds that a pattern of
22 nonattendance is developing, whether the absences are excused or not, a meeting
23 with the parent must be scheduled with the child study team to identify potential
24 remedies.

25 If an initial meeting does not resolve the problem, the child study team shall
26 implement the following:

- 27 A. frequent attempts at communication between the teacher and the
28 family;
- 29 B. evaluation for alternative education programs;
- 30 C. attendance contracts.

1 Emergency Student Data Form

2 The registrar/attendance clerk is responsible for all student assignment and student
3 accounting procedures during the school year. At the end of the first day, each
4 homeroom teacher will submit to the main office the corrected and alphabetized sets
5 of Emergency Student Data Forms. After the first day of school, all new enrollees
6 must register in the main office and have on file an Emergency Student Data Form
7 completed with truthful and accurate information. Anyone who knowingly makes a
8 false statement in writing with the intent to mislead a public servant in the
9 performance of his/her official duty is guilty of a second degree misdemeanor under
10 F.S. 837.06. In addition, anyone who knowingly makes a false verified declaration is
11 guilty of perjury, a third degree felony under F.S. 92.525. The registrar/attendance
12 clerk will also be notified of any transfer or withdrawal so that the files may be
13 purged as changes occur. In addition, changes of address must be reflected on
14 student records.

15 Where parents are divorced or separated, the parent who enrolled the student is
16 responsible for completing the Emergency Student Data Form with truthful and
17 accurate information that is consistent with the most recent court order governing
18 their divorce, separation or custody matters. Any parent contesting the information
19 on the Emergency Student Data Form may seek assistance from the court governing
20 their divorce, separation or custody matters to compel the enrolling parent to revise
21 the information on the form.

22 Legal Names of Students

23 Requests from a parent to enroll a child in a public school under a name other than
24 the legal name, may be granted on a temporary basis provided court action is in
25 process to make the assumed name legal. Official school records must list both the
26 legal name and assumed name of the student. Students entering a District school
27 for the first time must have an Emergency Student Data Form completed with both
28 legal and assumed names shown.

29 Principal's Report on Attendance

30 The dates to be covered by the Principal's Report on Attendance are announced
31 annually by the Federal and State Compliance Office. Reports are to be certified on-
32 line by the principal by the fifth working day after the close of a reporting period.
33 Attendance reports shall be accurate and current according to the State-approved
34 recording and reporting system.

1 **Full-Time Equivalent (FTE) Surveys**

2 During each of several school weeks during the fiscal year, a program membership
3 survey of each school shall be made by aggregating the full-time equivalent student
4 membership of each program by school. The District's full-time equivalent (FTE)
5 membership shall be computed and currently maintained according to rules of the
6 State Department of Education. Instructions will be distributed by the Federal and
7 State Compliance Office prior to each survey. These surveys are the basis of State
8 monies forwarded to the District according to prescribed cost factors and base funds
9 under the Florida Education Finance Program. For FTE Surveys 2 and 3, FTE will
10 be prorated and allocated to schools based on student enrollment/attendance.

11 F.S. 92.525, 837.06, 984.151, 1001.41, 1001.42, 1001.43, 1002.20, 1003.21,
12 1003.23,
13 ~~F.S. 1003.24, 1003.26, 1003.27, 1006.07~~

14 Revised 4/15/15

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LETTERS OF REFERENCE AND DISCLOSURE OF INFORMATION
REGARDING FORMER OR CURRENT EMPLOYEES

Employees and former employees may request letters of reference about the employee's performance. However, the decision to comply with the request is solely at the discretion of the individual to whom the request is made and employees shall have no expectation that a letter of reference will be written upon request.

If anyone chooses to prepare a reference letter, they shall provide specific and truthful comments concerning the employee or former employee's actual performance that can be substantiated by the individual's personnel file.

A person who, in the scope of their employment, provides a letter of reference may be entitled to a qualified privilege for statements included in that reference letter, provided such statements were made in good faith, without malice, and according to this policy.

The Board is immune from civil liability for (1) any disclosure of information about a former or current employee to a prospective employer of the former or current employee upon request of the prospective employer or of the former or current employee and (2) the consequences of such disclosure. The only exception to the Board's immunity from civil liability is if it is shown by clear and convincing evidence that the information disclosed by the School Board was knowingly false or violated any civil right of the former or current employee protected under F.S. Chapter 760.

Prohibition on Aiding and Abetting Sexual Abuse

All Board employees, contractors, or agents are prohibited from assisting a Board employee, contractor, or agent in obtaining a new job if s/he knows, or has probable cause to believe, that such Board employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of State or Federal law. "Assisting" does not include the routine transmission of administrative and personnel files.

The only exceptions to the paragraph above permitted are those authorized by the Every Student Succeeds Act (ESSA). In accordance with the ESSA, the requirements of the paragraph above shall not apply if the information giving rise to probable cause:

A. (1) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct and

(2) has been properly reported to any other authorities as required

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by Federal, State, or local law, including Title IX and its
regulations; and

- B. (1) the matter has been officially closed or the prosecutor or police
with jurisdiction over the alleged misconduct has investigated
the allegations and notified school officials that there is
insufficient information to establish probable cause that the
Board employee, contractor or agent engaged in sexual
misconduct regarding a minor or student in violation of the law;
- (2) the Board employee, contractor, or agent has been charged with,
and acquitted or otherwise exonerated of the alleged
misconduct; or
- (3) the case or investigation remains open and there have been no
charges filed against, or indictment of, the Board employee,
contractor, or agent within four (4) years of the date on which
the information was reported to a law enforcement agency.

F.S. 768.095

F.S. 768.28

Art. X, Sec. 13, Fla. Constitution

Every Student Succeeds Act (ESSA)