



# SCHOOL POLICY MANUAL

Approved by the Board of Directors  
on March 11, 2014

*In addition to the enclosed mentioned policies and procedures as adopted by Boulware Springs Charter School, Inc. Board of Directors, the Board shall adhere to rules, policies, and procedures as outlined in the charter school contract, Board adopted By Laws, and all local, state, and federal laws with regards to public charter schools.*

## Boulware Springs Charter School

### Board of Directors

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## Chapter 3      **Employment Manual**

### **(3.1)                      Equal Opportunity Employment**

Boulware Springs Charter School is an equal opportunity employer. The organization is committed to providing equal opportunity for all individuals in all areas of recruitment, selection, placement, training, assignment, transfer, compensation, benefits, discipline, retention, and promotion. The Board commits itself to the policy that there shall be no unlawful discrimination against any person because of race, color, religion, age, sex, national origin or disability. All decisions with regard to employment shall be in compliance with applicable state and federal laws.

### **(3.2)                      Employment Non-Discrimination and Non-Harassment**

Boulware Springs Charter School is committed to an environment in which all individuals are treated with respect and dignity. We believe that each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the organization expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment. Thus the organization does not and will not tolerate discrimination against or harassment of or by our employees, students, vendors, or other person. The term “harassment” includes, but is not limited to, slurs, jokes, and other verbal, graphic, or physical conduct relating to an individual’s race, color, sex (including discrimination against or harassment of individuals of the same sex), pregnancy, religion, national origin, ancestry, citizenship, age, disability, workers compensation claims, marital, veteran or any other protected status. “Harassment” may include a range of subtle and not so subtle behaviors and also includes unwelcome or unwanted sexual advances, requests or demands for favors, offensive touching, and other types of conduct whether it be physical, verbal, graphic, or electronic communication (including e-mail and facsimiles) of a harassing or sexual nature involving individuals of the same or different gender. This includes, but is not limited to:

- Unwelcome or unwanted physical contact or sexual advances including, but not limited to, patting, grabbing, pinching, brushing-up against, hugging, cornering, kissing, fondling, or any other similar physical contact.
- Unwelcome requests or demands for favors including, but not limited to, subtle or blatant expectations, pressures, requests or demands for sexual, unethical or illegal favors; or unwelcome requests for dates or contacts. Such unwelcome requests or

demands may or may not relate to an implied or stated promise of preferential treatment, or a threat of negative consequences concerning employment, including, but not limited to, promotion, demotion, transfer, layoff, termination, pay or other form of compensation, and selection for training.

- Verbal and written abuse or unwelcome kidding including, but not limited to, that which is sexually-oriented, including same-sex harassment; commentary about an individual's body, sexual prowess or sexual deficiencies; inappropriate comments about race, color, religion, sex, pregnancy, national origin, ancestry, citizenship, age, disability, workers compensation claims, marital, veteran or other protected status; dirty jokes or other jokes which are unwanted and considered offensive or tasteless; or comments, innuendoes, epithets, slurs, negative stereotyping, leering, catcalls or other actions that offend, whether sexually oriented or otherwise related to a prohibited form of discrimination or harassment.
- Any form of behavior that unreasonably interferes with work performance, including, but not limited to, unwanted sexual attentions, comments, interruptions, or other communications, whether sexually-oriented or otherwise related to a prohibited form of discrimination or harassment, that reduces productivity or time available to perform work-related tasks or otherwise interferes with work performance.
- Actions that create a work environment that is intimidating, hostile, abusive, or offensive because of unwelcome or unwanted conversations, suggestions, requests, demands, physical contacts or attentions, whether sexually-oriented or otherwise related to a prohibited form of discrimination or harassment.
- The distribution, display, or discussion of any written or graphic material, including calendars, posters, cartoons, or names, that belittles or shows hostility or aversion toward an individual, his/her relatives, friends or associates or a group because of race, color, religion, sex (including same sex discrimination or harassment), pregnancy, national origin, ancestry, citizenship, age, disability, workers compensation claims, marital, veteran or other protected status.

All employees and applicants are covered by this policy and are strictly prohibited from engaging in any form of discriminatory or harassing conduct. Further, no employee has the authority to suggest to another employee or applicant that the individual's employment, continued employment, or future advancement will be affected in any way by

entering into, or refusing to enter into, a personal relationship. Such conduct is a direct violation of this policy.

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as business trips, business meetings and business-related social events.

Violation of this policy will subject an employee to disciplinary action, up to and including immediate discharge.

**(3.2.1)**

**Retaliation is Prohibited**

Boulware Springs Charter School prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action, up to and including termination.

**(3.2.2)**

**Reporting Procedures and Investigation**

Boulware Springs Charter School strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct they believe is contrary to the organization's policy or who have concerns about such matters should file their complaints with the School Director or any Member of the Board of Directors or the Board's designee, whereupon the matter will be discreetly and thoroughly investigated. The organization will then take immediate steps to stop any behavior which violates this policy and see that it does not repeat itself. Disciplinary action, up to and including termination, calculated to end the discrimination or harassment, will be taken, when appropriate, against the offender(s).

**(3.2.3)**

**Responsive Action**

Conduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as the organization believes appropriate under all of the circumstances.

**(3.3)**

**Personnel Records**

Personnel records shall be maintained in accordance with State and Federal Laws. The following records for each employee shall be maintained in a secure file:

- a** Evidence of successful completion of required education

- b Florida Teaching Certificate, certificate of law for the position
- c Employee evaluations
- d Signed contract
- e Withholding allowance certificate (W-4)
- f Copy of Social Security Card
- g Background verification (results of School District fingerprint test)
- h Letters of reprimand and information regarding any disciplinary action taken

It is the responsibility of the employee to obtain and submit these documents:

Personnel records shall be open for inspection and copying consistent with Florida law, Chapter 119 and Federal laws. Social Security numbers will not be disclosed to the public. Evaluations shall be confidential and not open to the public until the end of the school year immediately following the school year in which the evaluation was made. The following payroll deductions are not open to the public: credit union cards, W-4's, tax shelter information, tax levy, court records.

### **(3.4) Compensation and Benefits**

#### **(3.4.1) Compensation**

Instructional and administrative staff shall be salaried employees. Salaries shall be in accordance with schedules adopted by the Board of Directors of the school, and in accordance with state and federal law. Non-instructional and non-administrative staff shall be offered a specific hourly rate. All employees will be paid on the 15<sup>th</sup> and last day of each month.

##### ***(3.4.1.1) Overtime Pay***

Hourly employees may be required to work beyond the regularly scheduled workday or workweek as necessary. In determining whether hourly employees are entitled to overtime pay, only actual hours worked in a given workday or workweek will be considered. All overtime work must be previously authorized by the School Director or Assistant Director.

For employees subject to overtime, all hours worked in excess of forty (40) hours in one work week shall be treated as overtime. Compensation for hours in excess of forty (40) for the work week shall be paid at a rate of one and one-half times the employee's regular rate of pay.

**(3.4.1.2) *Payroll Withholdings***

The organization shall withhold taxes from each employee's pay according to the law. Every deduction from your paycheck is explained on your check voucher. You may change the number of withholding allowances you wish to claim for Federal Income Tax purposes at any time by filling out a new W-4 form and submitting it to the School Director or designee. The office maintains a supply of these forms.

All Federal, State, and Social Security taxes will be automatically deducted from paychecks. Federal Withholding Tax deduction is determined by the employee's W-4 form. The W-4 form should be completed upon hire and it is the employee's responsibility to report any changes in filing status to the School Director or designee and to fill out a new W-4 form.

**(3.4.2) *Benefits***

The organization provides a Benefit Plan which may vary from year to year as determined by the Board of Directors.

**(3.4.2.1) *Paid Time Off***

All full time employees will receive (5) five days Paid Time Off (PTO) each year. This time may be used for sick leave or personal use. PTO requests must be approved by the School Director or Assistant Director. PTO will be awarded at the beginning of the school year. Unused PTO may be carried over to the next school year.

**(3.4.2.2) *Paid Holidays Time***

All full time hourly employees will be provided holiday pay for the following days:

- Labor Day
- Thanksgiving (Wednesday thru Friday) 3 days
- Martin Luther King, Jr. Day
- Presidents Day
- Memorial Day

**(3.4.2.3) *Stipend and IRA***

Full time instructional staff, administrators, and full time hourly employees are eligible for benefits. The organization has no health insurance policy. The above listed employees will receive a monthly \$300 stipend as a contribution to use towards health insurance of your choice.

The organization also contributes an amount which equals 2% of the eligible employee's salary to a Simple IRA plan. The employee may also elect to make contributions to the IRA in addition to the organizational contribution.

**(3.4.2.4)**

***Worker's Compensation***

The organization provides Workers' Compensation benefits pursuant to Florida law.

**(3.5)**

**Substitutes**

Instructional staff requiring a substitute should fill out the Substitute Request Form. This form should be turned in to the Director or Assistant Director for approval. After approval, the request will be given to the Administrative Assistant. The Administrative Assistant will be responsible for keeping an up to date list of qualified subs who have completed all necessary paper work and have the required background search and clearance. The Administrative Assistant will be responsible for contacting subs, placing them in the needed classroom, and making sure that all paperwork is completed. Instructional staff are required to contact the Administrative Assistant by 6:45 AM on school days when a sub is needed because of sickness or emergency.

**(3.6)**

**Leaves**

**(3.6.1)**

**Family and Medical Leave (FMLA)**

Boulware Springs Charter School makes available various types of unpaid, job protected leave in accordance with the requirements of the Family and Medical Leave Act of 1993 (FMLA).

**(3.6.1.1)**

***Eligibility***

Employees are eligible for unpaid FMLA leave if they:

- 1 have a cumulative (not necessarily continuous) 12 months of prior service;
- 2 have worked at least 1250 hours during the 12 months immediately preceding the date on which the FMLA leave would commence; and
- 3 work at a location where at least 50 employees are employed within a 75 mile radius

**(3.6.1.2)**

***Basic Leave***

For eligible employees, up to 12 weeks of unpaid leave, in a 12-month period, is available for one or more of the following purposes:

- For the birth and care of a newborn child of the employee;



- For the care and/or placement of a child for adoption or foster care;
- To care for a spouse, child, or parent who has a serious health condition; a child, for purposes of this policy, includes an individual who is either (1) under the age of 18 or (2) older than 18 but incapable of self-care because of a physical or mental disability;
- For your own serious health condition.

The 12-month period is measured on a “rolling backward” basis. Leave measured on a rolling backward basis is measured backward from the date any FMLA leave would commence.

**(3.6.1.3)**

***Qualifying Exigency Leave***

For eligible employees, up to 12 weeks of unpaid leave, in a 12-month period, is available for an eligible employee where the employee’s spouse, son, daughter or parent is on “covered active duty” and leave is needed for a “qualifying exigency.” Covered Active Duty includes: (1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty. A “qualifying exigency” is:

- Short notice deployment;
- Military events and related activities;
- Childcare and school activities;
- For the purpose of making financial and legal arrangements;
- Rest and recuperation;
- Post-deployment activities; and/or,
- Additional qualifying activities.

The “rolling backward” method used for measuring “Basic Leave” is also used to measure the 12-month period for “Qualifying Exigency Leave.”

**(3.6.1.4)**

***Covered Service Member Care Leave***

Leave is available for an eligible employee to care for a spouse, child, parent or next-of-kin who:

- is a current member of the Armed Forces or a member of the Armed Forces who is on the temporary disability list, and who has a “serious injury or illness” for which he or she is undergoing medical treatment, recuperation, or therapy; or, otherwise in outpatient status; or, otherwise on the temporary disability retired list, or
- is a veteran of the Armed Forces who is undergoing medical treatment, recuperation, or therapy, for a “serious injury or illness” and who was a member of the Armed Forces at any time during the period of 5 years preceding the date on which the veteran undergoing the medical treatment, recuperation, or therapy.

For purposes of this section the following definitions apply:

- the term “Armed Forces” includes Armed Forces, National Guard, and Reserves.
- the term “serious injury or illness” means:
  - For current members of Armed Forces – an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating.
  - For veteran’s of the Armed Forces – an injury or illness that was incurred by the member in line of duty on active duty on the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty on the Armed Forces) and that manifested itself before or after the member became a veteran.
- Next-of-kin of a covered service member is the nearest blood relative other than the covered service member’s spouse, son, or daughter, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes military caregiver leave under the FMLA.

For Covered Service member Care leave only, an employee is entitled to 26 work weeks of leave during any single 12-month period measured on a “rolling forward” basis. Service member Care leave measured on a rolling

forward basis will be measured using the 12-month period forward from the date of the employee's first instance of Service member Care leave.

**(3.6.1.5)**

***Intermittent Leave***

Eligible employees may take leave intermittently, as blocks of time off or in the form of reducing the employee's normal weekly or daily schedule. If the employee needs leave intermittently or on a reduced-leave schedule for planned medical treatment, it is the employee's obligation to schedule the treatment so as not to unduly disrupt the organization's operations. Further, intermittent leave or leave on a reduced-leave schedule must be medically necessary due to a serious health condition or a serious injury or illness, except in the case of intermittent leave for a Qualifying Exigency. In addition, employees are permitted to take intermittent leave for the birth of a child or placement of a child for adoption or foster care; however, intermittent leave for these reasons is only permitted upon the approval of the Superintendent.

**(3.6.1.6)**

***Giving Notice of the Need for Leave***

Absent extenuating circumstances, an employee must provide the organization with at least 30 days' advance written notice before FMLA leave is to begin. Failure to do so may cause delay or denial of leave.

If the need for leave is unforeseeable, then the employee must provide notice to the organization as soon as practicable under the facts and circumstances of your particular situation. For unforeseen leave, you must follow the normal procedure for contacting your supervisor to report an absence.

**(3.6.1.7)**

***Approval***

The organization will generally notify you within 5 business days of receipt of your request for FMLA leave of your eligibility to take Family and Medical Leave. If you are not eligible, the organization will tell you why.

**(3.6.1.8)**

***Providing Evidence of Need for Leave***

In most cases, the organization will request that the employee provide additional information regarding certification of the leave by providing the employee with a Certification form, specific to the type of leave the employee is requesting, to be completed and returned to the School Director or Assistant Director. Certification forms and any other requested documentation must be returned to the Director or Assistant Director within fifteen (15) days of the organization request for Certification (absent extenuating circumstances).

**(3.6.1.9)**

***Designation of Leave***

Within five (5) business days after the employee has submitted the appropriate Certification form and/or the organization has sufficient

information to determine whether the leave requested is FMLA covered, the School Director or Assistant Director will complete and provide the employee with a written response to the employee's request for FMLA leave.

(3.6.1.10)

***Intent to Return to Work from FMLA Leave***

Consistent with the manner in which the organization addresses other types of medical and personal leave, the organization may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

(3.6.1.11)

***Pay During Leave***

If the employee has available Paid Time Off (PTO), the organization requires the employee to use the remaining PTO at the start of FMLA leave. Once PTO is exhausted, the employee will go on unpaid leave. Both paid and unpaid leave count towards the 12 or 26-week (in the case of Covered Service Member Care Leave) limit.

(3.6.1.12)

***Benefits During Leave***

The \$300 monthly stipend (organization's contribution toward health insurance) will be paid during leave. Should the employee fail to return to work at the expiration of the approved leave, under certain conditions, the organization is entitled to recover any stipends it paid in order for the employee to maintain the coverage.

(3.6.1.13)

***Return from Leave***

Upon the employee's release to return to work, the employee will be restored to the same or equivalent position, unless the employee would not otherwise have been employed at the time of reinstatement (e.g., due to an intervening reduction in force or discharge for misconduct or poor performance). The organization reserves the right not to rehire a "key" employee if rehire would cause substantial economic harm to the organization's operation. For the purpose of this policy, key employees are generally those in the top 10% of compensation.

(3.6.1.14)

***Return From Leave***

**Fitness-For-Duty Certification:** Any employee who takes leave for the employee's own serious health condition will be required, as a condition of restoration, to obtain and provide certification that the employee is able to resume work and is able to perform the essential functions of his or her job. The cost of the Fitness-for-Duty Certification is paid by the employee. The organization may delay or deny restoration to employment if a Fitness-for-Duty Certification is not provided. The organization will request a Fitness-for-Duty Certification for leave taken on an intermittent or reduced-leave schedule basis, if reasonable safety concerns exist

regarding the employee's ability to perform his or her duties based on the serious health condition for which the employee took leave.

**(3.6.1.15) *Taking More than the Allowed Leave***

The organization is unable to keep jobs open indefinitely. If an employee fails to return to work at the end of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.

**(3.6.1.16) *Employee Rights and Responsibilities***

The Department of Labor has prepared a summary of an Employee's Rights and Responsibilities under the FMLA. This summary has been is available to any employee upon request to the Superintendent or by visiting <http://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>.

**(3.6.2) *Military***

If you enter military service while working for the organization, you will not lose your status as a regular employee. You will be given an unpaid leave of absence for the duration of your initial tour of duty. If you are a member of a reserve component of the armed forces, you will be granted unpaid leaves necessary to fulfill the requirements of this affiliation. You may use your vacation time instead of leave time for this purpose if you prefer, but you are not required to do so.

If you apply for reemployment within the time specified by federal law following an honorable discharge from the service, you will be given employment comparable to the position you previously held.

**(3.6.3) *Personal Leave of Absence without Pay***

Should a situation arise that temporarily prevents an employee from working, he/she may be eligible for a personal leave of absence without pay not to exceed 12 continuous weeks. However, employees must be employed for at least 12 months prior to the requested leave. Any request for a leave of absence without pay must be submitted in writing as far in advance as possible and it will be reviewed on a case-by-case basis by the School's Director. The decision to approve or disapprove is based on the educational requirements of the students, the business needs of the school, the length of time requested, the employee's job performance and attendance and punctuality record, the reasons for the leave, the affect the employee's absence will have on the work in the department and the expectation that the employee will return to work when the leave expires. Leaves of absence will be considered only after all PTO leave has been exhausted.

Any planned salary increase for an employee returning from an unpaid leave of absence without pay will be deferred by the length of the leave.

Due to the nature of our business, the organization cannot guarantee either that an employee's job will remain available or that a comparable position will exist when return from an unpaid leave is sought. When an employee is ready to return from a leave of absence without pay, the organization will attempt to reinstate the employee to his/her former position or to one with similar responsibilities.

If an employee does not return from an unpaid leave of absence without pay, the termination date is the last day of the authorized leave period or the date the employee notifies the Director that he or she is not returning, whichever is earlier..

**(3.6.4) Jury Duty**

If an employee is called for jury duty during a period you are regularly scheduled to work, you are not required to use PTO to cover your absence. When you are not impaneled for actual service and only on call, you shall report back to work unless authorized by your supervisor to be absent from your work assignment.

**(3.6.5) Bereavement**

When a death occurs in any employee's immediate family, that employee may take up to three (3) days off with pay to attend the funeral or make funeral arrangements. The organization reserves the right to require verification of the need for the leave. For the purposes of this policy, immediate family is defined as employee's spouse, parents, stepparents, siblings, children, stepchildren, grandparent, father-in-law, mother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild. Should additional time off be needed, the employee may make arrangements with the School Director or Assistant Director for additional PTO or unpaid days off.

**(3.7) Employee Behavior**

**(3.7.1) Hours of Duty**

Full time instructional staff hours are from 7:45 AM – 4:00 PM Monday through Friday. Part time instructional hours vary and are in outlined in individual contracts. Hourly employee hours may vary.

**(3.7.2) Professional Conduct**

Boulware Springs Charter School, Inc. is committed to promoting the highest standards of ethics and professional conduct by its employees. Any violation of this policy may subject the individual to disciplinary action including termination or revocation or suspension of the individual educator's certificate or other penalties as provided by law.

(3.7.2.1)

*Ethical Standards*

All employees are required to comply with SBE Rule 6B-1.001, Code of Ethics of the Education Profession in Florida and SBE Rule 6B-1.006, Principles of Professional Conduct for the Educational Profession in Florida.

The following obligations constitute the Principles of Professional Conduct of Boulware Springs Charter School. Employees of the school are expected to:

- Make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
- Not intentionally expose a student to unnecessary embarrassment or disparagement.
- Not intentionally violate or deny a student's legal rights.
- Not harass or discriminate against any student on the basis of race, color, religion, sex, age, national origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure that students are protected from harassment or discrimination
- Not exploit a relationship with a student for personal gain or advantage.
- Keep in confidence personally identifiable information obtained in the course of professional services, unless disclosure serves professional purposes or is required by law.
- Not accept a gratuity, gift, or favor that might influence professional judgment.
- Maintain honesty in all professional dealings.
- Not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly process of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and further, shall make reasonable effort to assure each individual is protected from such harassment or discrimination.
- Not make malicious or intentionally false statements about a colleague.
- Not misrepresent one's own professional qualifications.
- Not submit fraudulent information on any document in connection with professional activities.
- Not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.
- Self-report within forty-eight (48) hours to the school Director any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, individuals shall self-report any arrest, conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty of Nolo Contendere for

any criminal offense other than a minor traffic violation within forty- eight (48) hours after the final judgment or arrest.

- Report to the school Director any known allegation of a violation of the Florida School 25 Code or State Board of Education Rules.
- Seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education Rules.

**(3.7.2.2) *Reporting Requirements***

It is the duty of all employees to promptly report to the School Director or Assistant Director any alleged misconduct by any employee that affects the health, safety or welfare of a student. Failure of an employee to report such misconduct shall result in disciplinary action. The report may be made verbally, however, the School Director or Assistant Director may request a written explanation, which the employee shall be required to provide. If an employee becomes aware of or suspects that the school Director is engaging in misconduct, the employee should immediately report the misconduct to the Governing Board. Employees are urged to document the activities or details of the event.

**(3.7.2.3) *Investigation***

The School Director shall investigate any allegation of misconduct by an employee that affects the health, safety or welfare of a student. Upon receiving a complaint of misconduct, a prompt preliminary investigation will be undertaken to determine if a reasonable basis exists. If the allegation warrants further investigation, the employee who is alleged to have committed such misconduct shall be reassigned to a position not requiring direct contact with students, or shall be placed on administrative leave with pay pending the outcome of the investigation. Information related to the alleged misconduct shall be confidential during the investigation.

**(3.7.2.4) *Legally Sufficient Complaint***

The School Director shall file any legally sufficient complaint with the Department of Education within thirty (30) days after the date the school became aware of the subject matter of the complaint. A complaint is considered to be legally sufficient if it contains ultimate facts that show that an instructional or administrative employee has committed a violation as provided in 1012.795, F.S., and defined by State Board of Education rule.

**(3.7.2.5) *Resignation or Retirement in Lieu of Termination***

The organization, or any of its employees, shall not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or 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 personnel with employment references or discuss the personnel's performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct.

**(3.7.2.6)**

***Training***

All employees shall be offered the opportunity to go through training on the Code of Ethics and Principles of Professional Conduct. Annually employees will be reminded of the reporting requirements of this policy, and participate in a refresher discussion regarding the Code of Ethics and Principles of Professional Conduct.

**(3.7.2.7)**

***Confidentiality***

Employees, volunteers, and board members are bound by ethical and legal codes to protect the confidentiality and privacy of our students and their families and to protect and maintain the confidentiality of all information related to them. Confidential communications include conversations, grades, progress, reports, forms, correspondence, and computer generated communications with, about or involving in any way any students or their families.

**(3.7.3)**

**Professional Standards**

Employees are expected to observe certain standards of job performance and good conduct. When performance or conduct do not meet organizational standards, the school will endeavor when it deems appropriate to provide the employee a reasonable opportunity to correct the deficiency. If, however, the employee fails to make the correction, he or she will be subject to discipline, up to and including termination.

The rules set forth below are intended to provide employees with notice of what is expected of them. Necessarily, however, such rules cannot identify every type of unacceptable conduct and performance. Therefore, employees should be aware that conduct not specifically listed below but which adversely affects or is otherwise detrimental to the interests of the school's other employees, students or parents may also result in disciplinary action.

**(3.7.3.1)**

***Job Performance***

Employees may be disciplined for poor job performance, including but not limited to the following:

- Below-average work quality or quantity;
- Poor attitude (for example, rudeness or lack of cooperation);

- Excessive absenteeism, tardiness, or abuse of break and lunch privileges;
- Failure to follow instructions or School procedures; or
- Failure to follow established safety regulations.

(3.7.3.2)

*Misconduct*

Employees may be disciplined for misconduct, including but not limited to the following:

- Dishonesty;
- Theft;
- Discourtesy;
- Misusing or destroying school's property or the property of another on school premises;
- Violating conflict of interest rules;
- Disclosing or using confidential or proprietary information without authorization;
- Falsifying or altering school records, including the application for employment;
- Interfering with the work performance of others;
- Altercations;
- Harassing, including sexually harassing, employees, students or parents;
- Being under the influence of, manufacturing, dispensing, distributing, using, or possessing alcohol or illegal or controlled substances on school property or while conducting school business;
- Gambling on school premises;
- Sleeping on the job or leaving the job without authorization;
- Possessing a firearm or other dangerous weapon on organization property or while conducting organization business; [or]

- Being convicted of a crime that indicates unfitness for the job or raises a threat to the safety or well-being of organization, its employees, students, parents or property; or
- Refusing to submit to testing for drugs and/or alcohol.

(3.7.4)

### **Discipline Procedure**

Except as set forth elsewhere in the organization's policies, discharge for poor performance ordinarily will be preceded by an oral warning and a written warning.

The organization reserves the right to proceed directly to a written warning for either misconduct or performance deficiency, or to terminate for misconduct without resort to prior disciplinary steps, when the organization deems such action appropriate.

(3.7.4.1)

### ***Suspension and/or Dismissal of Instructional and Administrative Support Personnel During Contract Period***

Suspension of instructional and administrative personnel during the contractual period shall be by the School Director. Whether such suspension will be with or without pay will be at the discretion of the School Director. The School Director shall promptly notify each employee in writing who has been suspended or dismissed and set forth the basis for suspension or dismissal.

(3.7.5)

### **Financial Obligations**

Employees are expected to handle their personal financial obligations in such manner as to prevent the involvement of the organization.

(3.7.6)

### **Academic Freedom**

It is the rightful duty of a qualified teacher to encourage within students a never-ending search for truth in its many forms. Such a search may inevitably lead to areas of controversy. It is the belief of the organization that discussion of such issues, dealing with local, state, national and international affairs, shall be encouraged. Free, logical, and intelligent dialogue within the classroom is a necessity in the search for truth. Such freedom of expression should be viewed, not simply as a constitutional guarantee, but as a fundamental necessity for the successful practice of scholarship in a free society. All sides of such controversial issues shall be presented where reasonable and feasible in the judgment of the teacher and School Director.

It is recognized that the application of this principle in a K-5 program differs somewhat from its application at higher educational levels. Teachers shall consider the relative level of maturity of their students and their need for guidance in the study of such issues to arrive at objective and balanced views.

**(3.7.7)**

**Reporting Legal Infractions**

All employees are required to promptly notify the School Director if they are arrested or given a Notice to Appear for any criminal offense, including driving under the influence (DUI) and other criminal traffic offenses and local ordinance violations punishable by any period of incarceration, or charged in any way with such offenses. In the event that the employee in question is the School Director, he or she shall report said legal infraction(s) to the Chairman of the Board. Once a report has been made, the School Director or Chairman of the Board shall determine whether this offense could make the employee ineligible for employment under § 1012.315, F.S., and take such actions as are deemed necessary.

**(3.7.8)**

**Whistleblower Policy**

The organization requires its directors, officers, employees, and volunteers to observe high standards of ethics in the conduct of their duties and responsibilities within the organization

No employee of Boulware Springs Charter School, or person acting on behalf of Boulware Springs Charter School in attempting to comply with any policy established by Boulware Springs Charter School (including ethics, conflicts, or anti-fraud) shall:

- Be dismissed or threatened to be dismissed;
- Be disciplined or suspended or threatened to be disciplined or suspended;
- Be penalized or any other retribution imposed, or
- Be intimidated or coerced, Based to any extent upon the fact that the employee has reported an incident or participated in an investigation in accordance with the requirements of this Policy. Violation of this section of the Policy will result in disciplinary action, up to and including dismissal.

**(3.7.9)**

**Occupational Safety**

The organization is committed to the safety of its employees, vendors, contractors and the public and to providing a clear safety goal for management.

The prevention of accidents is the responsibility of every employee. It is also the duty of all employees to accept and promote the established safety regulations and procedures. Every effort will be made to provide adequate safety training. If an employee is ever in doubt how to perform a job or task safely, assistance should be requested. Unsafe conditions must be reported immediately.

It is the policy of the organization that accident prevention shall be considered of primary importance in all phases of operation and administration. The organization's administration is required to provide safe and healthy working conditions for all employees and to establish and require the use of safe practices at all times.

Failure to comply with or enforce the organization's safety and health rules, practices and procedures could result in disciplinary action up to and including possible termination.

**(3.7.9.1)**

***Accident/Incident Reporting***

It is the duty of every employee to immediately, or as soon as is practical, report any accident or injury occurring during work or on the school's premises so that arrangements can be made for medical or first aid treatment, as well as for investigation and follow-up purposes.

**(3.8)**

**School Rights**

**(3.8.1)**

**Employment of Relatives**

The School's hiring practices shall at all times be in compliance with the requirements of §1002.33(12) and (24), F.S. Charter school personnel may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the charter school in which the personnel exercises jurisdiction or control any individual who is a relative. For the purposes of this section, the following definitions shall be used:

- “Charter School Personnel” means a chairperson of the Governing Board , Governing Board member, director, or any other person employed by the school who has equivalent decision making authority.
- “Relative” means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

**(3.8.2)**

**Background Screening**

All employees will be required to be fingerprinted and cleared by the Alachua County School Board and undergo a background check as outlined in F.S. 1022.33(g)1.

**(3.8.3)**

**Employee Evaluations**

***(3.8.3.1) Director/Leadership***

Evaluation of the Director, and all following leaders, will consist of a combination of standardized and in-house designed evaluations. Initial evaluation instruments will be completed during the implementation phase, but will be modified each year as seen fit by the Board of Directors. Each year the Board of Directors will evaluate the leaders of the school and will present its ultimate evaluation at the annual meeting of the Board. The Director evaluation will follow these principles:

1. The Director reports directly to the Board and will know before the school year begins how they will be evaluated and will be given a preview of the evaluation instruments.
2. Evaluations will be composed of both qualitative and quantitative data (observations, reports, surveys, portfolios, etc.)
3. Evaluation forms will use straightforward language and contain simple and clear levels of competency (single rating scale).
4. Evaluation results will be communicated with the Director in a timely manner; in an honest and direct manner; and in person.
5. Evaluations will address any areas of strength to be continued and valued, and any areas of weakness to be improved upon.

The following areas will be addressed in the evaluation instruments:

- a. Student achievement and learning
- b. Parent Involvement and Community Partnerships
- c. Professional Development and Human Resource Management
- d. Instructional Leadership, Improving Teaching and Learning
- e. School Management and Daily Operations
- f. Financial Management
- g. Communication and Interpersonal Skills

Leadership evaluations will be methods to improve communication and improve daily operations of the school so that it is operating at its maximum efficiency and producing the best results. As such, the evaluation process is a year-round activity and suggestions for improvement will not be limited to a formal evaluation once a year.

### **(3.8.3.2)**

#### ***Instructional Staff***

Teachers will also be regularly evaluated using a rigorous, transparent, and fair evaluation system that includes data on student growth, and timely and constructive feedback. Teacher evaluation will inform administration of teacher effectiveness and will be used as part of Boulware Springs Charter's compensation plan. Teacher evaluation will include the following three measurements:

- i) Observations
  - One formal and one informal each 10-week term using an modified version of the Alachua County observation form based on Marzano's model of teacher effectiveness
- ii) Student learning
  - Average percentage of goals in Student Learning Profile (SLP) achieved at year-end by all students taught in all subjects
- iii) Portfolio Assessment
  - Teachers will keep a portfolio of their work throughout the year according to specifications outlined in a rubric given to them at the beginning of the year. The portfolio will include, but will not be limited to, sample lesson plans, professional development participation, personal goal reflections, and school projects (character development, community service).

To calculate teacher effectiveness ratings, the following scoring will be applied:

- Observation score - 30 points of total score

- Average of scores of all formal and informal observations
- Student learning - 40 points of total score
  - % of SLP goals met
- Teacher portfolio scores - 30 points total score
  - An average score of a panel of administrators and Board members based on the rubric

Teachers will go through training at the beginning of the year that explains the evaluation system, expectations for personnel, scoring methods, definitions of effectiveness, and the scheduling of observations/formal feedback.

**(3.8.3.3) *Other Staff***

Administrative assistants, paraprofessionals, and after school personnel will receive an annual written evaluation. These evaluations will be completed by May 15 of each year.

**(3.8.3.4) *Unsatisfactory Evaluations***

If an employee has received an unsatisfactory performance assessment or concerns exist throughout the year such as following a formal observation, the Director/Assistant Director shall confer with the employee and shall make specific recommendations for actions the Director/Assistant Director believes should result in improvement. The Director/Assistant Director and employee shall develop a plan. The plan shall include a prescribed period of time in which the corrective actions must be completed. If the employee has received an unsatisfactory evaluation, the employee shall be placed on a 90-day probationary period in which the employee shall receive assistance and training to correct the deficiencies noted in the evaluation.

**(3.9) *Employee Rights and Responsibilities***

**(3.9.1) *Professional Education***

Boulware Springs Charter School conducts various types of professional development opportunities which shall serve to increase the efficiency of all staff members, instructional, administrative and supportive. Staff members are expected to participate in such professional education activities.

**(3.9.2) *Reproduction of Copyrighted Materials***

Employees are expected to be familiar with and adhere to the provisions of the copyright laws currently in force under Title XVII of the United States Code. Any reproduction of copyrighted materials shall be done either with permission of the copyright holder or within the bounds of the “fair use” doctrine of the copyright law; otherwise, the individual employee responsible for reproduction may be liable for breach of copyright under existing laws.

**(3.9.3)**

**Transporting Students**

Boulware Springs Charter School does not expect employees to transport students except when such transportation is provided during an emergency or an officially approved trip. Approval from the School Director or Assistant Director must be obtained under any circumstances. An employee who provides such transportation except for an emergency or during an officially approved trip shall be acting outside the scope of that employee's employment.

Each employee must provide a copy of a valid driver's license and proof insurance to the organization prior to transporting any student for any reason.

**(3.9.4)**

**Smoking of Tobacco Products on School Property**

The purpose of this policy is to comply with the "Florida Clean Indoor Air Act" in protecting the public health, comfort and environment by creating areas in all school facilities that are free from tobacco smoke. No person may be in possession of a lighted cigarette, lighted pipe, lighted cigar, or any other lighted tobacco product, in any school facility, including the outside grounds, or within 100 feet of any building or area used by the school. No areas for smoking shall be designated on the school's property, or within 100 feet of any building or area used by the school.

**(3.9.5)**

**Drug-Free and Alcohol-Free Workplace**

Boulware Springs Charter School is committed to protecting the safety, health and well being of all employees and individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol- and drug-free environment.

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants while on school property. Any employee who violates this policy or is convicted of a criminal drug violation are subject to immediate dismissal.

**(3.9.6)**

**Teacher Certification Standards**

***(3.9.6.1)***

***Certification Renewals***

Professional staff members are required to maintain their state educator certification in accordance to Florida regulations. Staff members are responsible for the completion and submission of all applicable forms and fees for the certification renewals. Once a professional staff member has renewed their certification, they must provide a copy of the certification to their supervisor.



- (3.9.7) Familiarity with Policies**  
All employees are expected to be familiar with the policies & procedures of Boulware Springs Charter School.
- (3.9.8) Tutoring**  
No teacher shall receive compensation for tutoring a student who is enrolled in the teacher's class during the regular school term.
- (3.10) Resignations**
- (3.10.1) Instructional Staff**  
Instructional employees who for any reason intend to retire or resign at the end of the current school year are encouraged to indicate their plans in writing to the School Director or Assistant Director as early as possible, but no later than April 1. The letter should state reasons and an effective date for the resignation.
- (3.10.2) Support Staff**  
Support staff who wish to resign should address a letter of resignation to the School Director. The letter should state reasons and an effective date for the resignation. The school requests employees provide fourteen (14) days written notice prior to resignation whenever possible.
- (3.11) Reduction in Force**
- (3.11.1) Instructional Staff**  
If it becomes necessary to reduce the number of teachers due to a decrease in enrollment, school reorganization or the financial condition of the School, the organization will act to retain the most qualified teachers best able to serve the needs of the School's students. Seniority will not be the primary consideration for which staff members will be retained.
- (3.11.2) Support Staff**  
If it becomes necessary to reduce the number of support staff due to a decrease in enrollment, school reorganization or the financial condition of the School, the organization will act to retain the support staff best able to serve the needs of the School's students. Seniority will not be the primary consideration for which staff members will be retained.
- (3.12) Travel Expenses**
- (3.12.1) Prior Approval**  
Prior to any travel being conducted on the school's behalf the employee must first obtain the prior approval of the School Director. If the person making the request is the School Director, permission should be obtained from the Board Chairperson.

**(3.12.2) Travel Arrangements**

All arrangements required for business travel are to be made by the administrative staff. Airfare and lodging will be paid for in advance by the school. All other expenses will be reimbursed by the school afterwards. Receipts must be submitted for reimbursement.

**(3.12.3) Expense Guidelines**

**(3.12.3.1) Meals**

For out of county travel, employees shall be allowed reimbursement for subsistence. Subsistence allowances for meals shall be paid at the following current rates:

- **BREAKFAST:** The traveler is entitled to an allowance for breakfast of \$6.00.
- **LUNCH:** The traveler is entitled to an allowance for lunch of \$8.00
- **DINNER:** The traveler is entitled to an allowance for dinner of \$15.00.

**(3.12.3.2) Personal Vehicles**

An employee required to use their personal vehicle for business will be reimbursed at the prevailing rate per tax guidelines for per-mile deductions. The employee must provide on the expense report, documentation including dates, miles traveled and purpose of each trip. The school assumes no responsibility for personal automobiles used for business. Further, any parking or speeding violation is the sole responsibility of the employee.

**(3.12.4) Expense Report Preparation and Reimbursement**

All business travel expenditures incurred by employees are reimbursed through the use of a standard Expense Report attached to the Travel Arrangements form which shall be made available by the School Director. Expense reports should be completed and turned in within two weeks of return or incurrence of expenses. Required receipts for items charged must be attached to the report.

Upon completion, the expense report along with all attachments should be turned into the School Director or Assistant Director for approval. In order to expedite reimbursements, the employee should ensure that the report is completed properly, required documentation is attached, proper authorization has been obtained, and any unusual items are properly explained and documented. Authorized expense reports will be

reimbursed by check, normally within two weeks after receipt by the Director or Assistant Director.