



Book	Policy Manual
Section	2000 Program
Title	CHALLENGES TO ADOPTION OR USE OF INSTRUCTIONAL, LIBRARY, OR READING LIST MATERIALS
Code	po2522
Status	
Legal	<u>F.S. 119.071</u> <u>F.S. 212.183</u> <u>F.S. 1001.215</u> <u>F.S. 1002.22</u> <u>F.S. 1003.485</u> <u>F.S. 1006.28</u> <u>F.S. 1006.28 through 1006.42</u> <u>F.S. 1008.22</u> <u>F.S. 1008.25(5)(a)</u> <u>F.S. 1008.25(5)(c)</u> <u>F.S. 1014.05</u> <u>F.A.C. 6A-6.03028</u> <u>34 C.F.R. Part 300</u>
Adopted	February 28, 2023

2522 - CHALLENGES TO ADOPTION OR USE OF INSTRUCTIONAL, LIBRARY, OR READING LIST MATERIALS

The following individuals may contest the adoption of a specific instructional material, or object to the use of specific material used in a classroom, made available in a school library, or included on a reading list:

- A. parent of a student in the district; or
- B. resident of the county.

For purposes of this policy, "parent" means a parent of a student enrolled in the District's schools. "Resident" means a person residing in the county who has maintained their residence in Florida for the preceding year, has purchased a home that is occupied by them as their residence, or has established a domicile in Florida pursuant to F.S. 222.17.

I. Contest of School Board's Adoption

Filing a Petition

A parent or resident must file a petition with the Board within thirty (30) calendar days after the Board's adoption of specific instructional material, on a form provided by the Board. The petition form shall be publicly available by visiting any school in person or by accessing the link on the Board's website. The petition must be signed by the parent or resident, include the required contact information, and state the objection to the instructional material based on the criteria set forth in F.S. 1006.31(2) or 1006.40(3)(d).

Timeframe for Hearing

When Within thirty (30) days after the thirty (30) calendar day period following Board adoption of the instructional material in question has expired, the Board will conduct at least one (1) open public hearing before an unbiased and qualified hearing officer for all timely petitions received.

Hearing Officers

Hearing officers are not employees or agents of the District with the exception of any agreement entered into for purposes of conducting the hearings set forth herein. Hearing officers shall be selected annually by the Board from a list of candidates provided by the Superintendent.

Procedures for Hearings

Petitioners will have an adequate and fair opportunity to be heard and present evidence to the hearing officer. Hearings shall be conducted as follows:

- A. The petitioner may make an opening statement.
- B. The District's representative may make an opening statement.
- C. The petitioner may present evidence (including documents and testimony from witnesses) that instructional material or material used in a classroom, made available in a school library or included on a reading list does not meet the criteria of F.S. 1006.31(2) or 1006.40(3)(d) if it was selected for use in a course or otherwise made available to students in the School District but was not subject to the public notice, review, comment, and hearing procedures under F.S. 1006.283(2)(b)8., 9., and 11.
- D. The District representative may present evidence (including documents and testimony from witnesses) that the instructional material or material used in a classroom, made available in a school library or included on a reading list does meet the criteria of F.S. 1006.31(2) or 1006.40(3)(d) if it was selected for use in a course or otherwise made available to students in the School District but was not subject to the public notice, review, comment, and hearing procedures under F.S.

1006.283(2)(b)8., 9., and 11.

E. The petitioner may make a closing statement.

F. The District representative may make a closing statement.

Within fourteen (14) days of the date of the hearing, the hearing officer shall submit a recommended order to the Board. The Board shall consider the recommended order and make a final decision concerning the objection ~~enter a final order~~ at a publicly noticed Board meeting. If the petitioner proves that the instructional material ~~or material used in a classroom, made available in a school library or included on a reading list~~ does not meet the criteria required under F.S. 1006.28, or contains prohibited material under that statute, the material shall be removed in accordance with Florida law. The Board's decision is final and not subject to further petition or review.

Hearings under this policy are not subject to the provisions of F.S. Chapter 120.

II. ~~Objections to Material Used in Classrooms, Made Available in School Library, or Included On a Reading List~~

~~Parents and residents of the county may object to the use of a specific instructional material in the classroom, made available in a school library, or included on a reading list, based on the criteria set forth in F.S. 1006.28(2)(a)2. or F.S. 1014.05(1)(c).~~

~~Parents and residents of the county should make any such objection in writing using the Re-evaluation of Materials Request Form or designated form authorized by the Superintendent to the Principal, identifying the specific instructional material and stating the basis for the objection.~~

~~The Principal will review the objection and may meet with the teacher or parents/resident, or both, in an attempt to resolve the objection, using an alternative instructional material. If the objection is not resolved to the objector's satisfaction, the Principal shall refer the matter to the Superintendent. If the objector seeks the removal of material from the school's library, the principal shall refer parent/citizen requests for removing a book from a school's library to the Superintendent.~~

~~The Superintendent will meet with the objector and attempt to resolve the objection. The objector is permitted to provide any evidence it desires to the Superintendent to consider as set forth in F.S. 1006.28(2)(a)2. a. and b. If the objection is not resolved to the objector's satisfaction, the objection will be referred for a hearing, using the hearing procedures set forth above in this policy, within thirty (30) calendar days following the Superintendent's notification to the objector.~~

~~If the Board finds that the Instructional material does not meet the criteria under F.S. 1006.28(2)(a)2.a., or that any other material contains prohibited content under F.S. 1006.28(2)(a)2.b., the District will discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable.~~

~~The decision of the Board shall be final.~~



Book	Policy Manual
Section	2000 Program
Title	OBJECTIONS TO MATERIAL USED IN CLASSROOMS, MADE AVAILABLE IN A SCHOOL OR CLASSROOM LIBRARY, OR INCLUDED ON A READING LIST
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Legal	34 C.F.R. Part 300 F.A.C 6A-6.03028 F.S. 119.071, 212.183, 1001.215, 1002.22, 1003.485, 1006.28, 1006.28 through 1006.42, 1008.22, 1008.25(5)(a), 1008.25(5)(c), 1014.05

2522.01 - Objections to Material Used in Classrooms, Made Available in a School or Classroom Library, or Included on a Reading List

Parents and residents of the county may object to the use of a specific instructional material in the classroom, made available in a school or classroom library, or included on a reading list, based on the criteria set forth in F.S. 1006.28(2)(a)2. or F.S. 1014.05(1)(c).

The District's process and Specific Material Objection Form, which are easy to read and understand, are accessible on the homepage of the District's website in accordance with Rule 6A-7.0714, F.A.C.

Parents and residents shall object to the use of a specific material by completing the the Specific Material Objection Form for the following types of materials:

1. Materials used in a classroom in the district;
2. Materials made available to students in a school or classroom library; and
3. Materials included on a school or classroom reading list.

Any material that is subject to an objection on the basis that it is pornographic or prohibited under F.S. 847.012 or depicts or describes sexual conduct as defined in F.S. 847.001(19) (unless such material is for a course required by F.S. 1003.46, F.S. 1003.42(2)(n)1.g., F.S. 1003.42(2)(n)3., or identified by State Board of Education rule) must be removed within five(5) school days of receipt of the objection and remain unavailable to students of that school until the objection is resolved.

Parents shall have the right to read passages from any material that is subject to an objection. If the Board denies a parent the right to read passages due to content that is subject to an objection on the basis that it is pornographic or prohibited under F.S. 847.012 or depicts or describes sexual conduct as defined in F.S. 847.001(19) (unless such material is for a course required by F.S. 1003.46, F.S. 1003.42(2)(n)1.g., F.S. 1003.42(2)(n)3., or identified by State Board of Education rule), the District shall discontinue the use of the material.

All objections under this policy shall be addressed as follows:

School Level

- A. The objection is to be addressed to the Principal, in writing, using the Specific Material Objection Form.
- B. Upon receipt of the form, the principal will schedule a conference within ten (10) business days with the parent or resident to attempt to resolve the concern.
- C. If the concern is not resolved at the conference, the principal will forward the Specific Material Objection Form and any other evidence proffered by the parent and/or resident to the Assistant Superintendent of Academic Services.

District Level

- A. Upon receipt of the objection, the Assistant Superintendent of Academic Services shall, upon the Superintendent's approval, appoint a review committee which shall consist of an odd number of members and include, but not limited to, the following:
 1. one (1) or more parents of students who will have access to the materials;
 2. one (1) or more instructional staff members;
 3. one (1) or more certified media specialist;
 4. one (1) or more lay persons knowledgeable in the area.

Meetings of review committees must be noticed and open to the public in accordance with F.S. 286.011.

- B. The Superintendent shall be an ex officio member of the committee.

C. The committee, in evaluating the questioned material, shall be guided by the following criteria:

1. the appropriateness of the material for the age and maturity level of the students with whom it is being used
2. the accuracy of the material
3. the objectivity of the material
4. the use being made of the material

D. The material in question, except material that must be removed within five (5) school days pursuant to Florida law, may not be withdrawn from use pending the committee's recommendation to the Superintendent.

E. The committee's recommendation shall be reported to the Superintendent within thirty (30) business days following the formation of the committee. Upon the approval of the Superintendent, the Assistant Superintendent of Academic Services shall inform the parent and/or resident of the committee's recommendation.

F. The parent and/or resident may appeal this decision, within thirty (30) business days, to the Board through a request to the Superintendent.

Appeal to the Board

The Board will review the objection, including all evidence proffered by the parent and/or resident and the District, during a publicly noticed Board meeting. The Board shall announce during the meeting whether the challenged material meets the requirements of this Policy.

No challenged material may be removed from the curriculum or from a collection of resource materials except by action of the Board or as otherwise required in this policy and Florida law, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.

If the Board finds that any material meets the requirements under F.S. 1006.28(2)(a)2.a or that any other material contains prohibited content under F.S. 1006.28(2)(a)2.b.(I), the District shall discontinue use of the material.

If the Board finds that any other material contains prohibited content under F.S. 1006.28(2)(a)2.b.(II)-(IV), the District shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable.

The Board shall discontinue use of any material challenged under this policy if it contains content that is pornographic or prohibited under F.S. 847.012, is not suited to student needs and their ability to comprehend the material presented, or is inappropriate for the grade level and age group for which the material is used.

The decision of the Board shall be final.

Special Magistrate for Materials Used in Classroom or School Libraries

If a parent disagrees with the determination made by the Board on the objection to the use of a specific material, a parent may request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least five (5) years' experience in administrative law. The special magistrate shall determine facts relating to the District's determination, consider information provided by the parent and the District, and render a recommended decision for resolution to the State Board of Education within 30 days after receipt of the request by the parent.

The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than seven (7) calendar days and no more than thirty (30) days after the date the recommended decision is transmitted. The costs of the special magistrate shall be borne by the District.



Book Policy Manual
 Section 1000 Administration
 Title EMPLOYMENT OF ADMINISTRATORS
 Code po1120
 Status
 Legal 42 U.S.C. 9858f
 F.S. 1001.10
 F.S. 1012.01, 1012.23, 1012.315, 1012.32, 1012.33, 1012.55, 1012.56
 Adopted September 4, 2012

1120 - EMPLOYMENT OF ADMINISTRATORS

The School Board recognizes that it is vital to the successful operation of the District that administrative positions created by the Board be filled with highly qualified and competent personnel.

Upon the recommendation of the Superintendent, the Board shall approve the employment, compensation, and establish the term of employment for each administrator employed by the Board. Approval shall be given only to those candidates for employment recommended by the Superintendent. Administrators shall recommend to the Superintendent the best qualified administrative applicant available.

Administrators are individuals who supervise the resources, operations, and management of school(s) and/or department(s) and meet established qualifications.

Any administrative staff member's misstatement of fact material to qualifications for employment or the determination of salary shall be considered to constitute grounds for dismissal.

A candidate shall be disqualified from employment in any administrative position that requires direct contact with students if the candidate is ineligible for such employment under F.S. 1012.315.

A person is ineligible for educator certification or employment in any position that requires direct contact with students if the person is on the disqualification list maintained by the Florida Department of Education under F.S. 1001.10(4)(b), they are registered as a sex offender as described in 42 U.S.C. 9858f(c)(1)(C), they are ineligible based on a security background investigation under F.S. 435.04, they would be ineligible for an exemption under F.S. 435.07(4)(c), or they have been convicted or found guilty of, have had adjudication withheld for, or have pled guilty or nolo contendere to any of the felony offenses listed in F.S. 1012.315.

Instructional Administrative Personnel

District-level Instructional Administrator Requirements

Administrative personnel other than principals who are assigned responsibility for working directly with instructional or other personnel in the improvement of the instructional program shall have the following qualifications:

1. Master's degree from an accredited educational institution;
2. Certification in Administration and Supervision, Educational Leadership, or appropriate special area, by the State of Florida;
3. Minimum five (5) years of successful teaching experience in a specific subject area for five (5) years of experience in the area to be supervised;

Principal and Interim Principal Requirements

Administrative personnel who are assigned responsibility for working directly with instructional or other personnel in the improvement of the instructional program shall have the following qualifications:

1. Master's degree from an accredited educational institution;
2. Certification as a School Principal by the State of Florida;
3. Minimum five (5) years of successful classroom teaching experience; and
4. Satisfactory completion of an approved Administrative Training Program.

Assistant Principal and Interim Assistant Principal Requirements

Administrative personnel who are assigned responsibility for working directly with instructional or other personnel in the improvement of the instructional program shall have the following qualifications:

1. Master's degree from an accredited educational institution;
2. Certification in Educational Leadership, School Principal or Administration and Supervision, by the State of Florida;
3. Minimum five (5) years of successful classroom teaching experience; and
4. Satisfactory completion of an Administrative Training Program or initial acceptance into the District Administrative Training Program.

Non-Instructional Administrative Personnel

District-level Non-Instructional Administrator Requirements

Administrative personnel who are not assigned responsibility for working directly with instructional or other personnel in the improvement of the instructional program shall have the following qualifications:

1. Master's degree from an accredited educational institution, or commensurate combination of education and job specific experience;
2. Appropriate experience in the field in which they are employed; and,

3 Required certifications and/or licensures for the job duties that will be performed.

Qualifications may vary from the above requirements to such a degree as the Superintendent and the Board determine necessary and appropriate to ensure properly qualified personnel in each specialized assignment. The Superintendent will provide notice to the Board outlining qualifications for individuals submitted under this section.

To be eligible for employment in an administrative position requiring certification, an individual must be of good moral character and hold a valid certificate issued pursuant to Florida law and the rules of the State Board of Education. A copy of the certificate shall be filed with the District.

The Superintendent shall also conduct employment history checks of all candidates for administrative positions. The employment history check shall include, but not be limited to, contacting any previous employer and screening the candidate through the use of the screening tools described in State law. If contact with (a) previous employer(s) cannot be made, the Superintendent shall document the efforts made to do so.

F.S. 1012.33 states that "the first ninety-seven (97) days of an initial principal's or supervisor's contract is a probationary period. During the probationary period, the employee may be dismissed without cause or may resign from the contractual position without breach of contract." This statement means that individuals who are appointed into their initial administrative positions in the State of Florida will have a ninety-seven (97) day probationary period.

All administrators shall become familiar with the policies of the Board and other policies, regulations, memoranda, bulletins, and handbooks that pertain to their duties in the District. Any administrator employed by the Board who shall be guilty of any willful violation of the policies of the Board shall be guilty of gross insubordination and shall be subject to dismissal or other lesser penalty as the Board may prescribe.

Members of the administrative staff are required to have listed telephone numbers at their residences. The regulation includes principals and assistant principals. This requirement may be waived by the Superintendent for a period not to exceed six (6) months, subject to review and extension at the end of the six (6) month period if justification for the waiver still exists.

General Knowledge Examination Assistance

Any employee who does not achieve a passing score on any subtest of the general knowledge examination will be provided information regarding the availability of State-level and District-level supports and instruction to assist them in achieving a passing score. Such information will include, but is not limited to, State-level test information guides, School District preparation resources, and preparation courses offered by State universities and Florida college system institutions.

Effective 9/5/12

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Book	Policy Manual
Section	5000 Students
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F.S. 1007.271

F.S. 1008.22

F.S. 1008.25

F.S. 1008.386

F.S. 1012.42

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5780 - STUDENT/PARENT RIGHTS

The School Board recognizes that students possess not only the right to an education, but also the rights of citizenship. Federal and State law prohibit the Board from adopting any policy or rule, or from entering into any agreement, that infringes upon or waives the rights of freedoms afforded to students by the United States Constitution.

In providing students the opportunity for an education to which they are entitled, the District shall attempt to offer nurture, counsel, and custodial care appropriate to their age and maturity. The District shall, at the same time, guarantee that no student is deprived of the basic right to equal treatment and equal access to the educational program, due process, a presumption of innocence, free expression and association, and the privacy of their own thoughts.

Attendant to the rights guaranteed to each student, however, are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the procedures and rules of the District.

The Board realizes that as students differ in age and maturity, so they differ in ability to handle both the rights of citizens and the concomitant responsibilities. The exercise of each right shall be granted, therefore, with due regard for the degree of responsibility possessed by the student and the student's need for the continuing guidance and control of those responsible for their education.

Since a student who has reached the age of majority possesses the full rights of an adult, they may authorize those school matters previously handled by their parents, but the student also assumes the responsibility for their performance in school, attendance, and compliance with school rules.

All K-12 students in Florida are entitled to a uniform, safe, secure, efficient, and high-quality system of education, one that allows students the opportunity to obtain a high-quality education. Parents are responsible to ready their children for school; however, neither the State of Florida nor the District can be a guarantor of any individual student's success.

Parental Access at School

Each parent has the right to pick-up, visit, and meet with their student at school, without interference of or the need for consent from the other parent, unless the school has received a certified copy of an enforceable court order that provides to the contrary. The Superintendent may restrict the times, location, frequency, and length of parent visitations at school, based on legitimate pedagogical or scheduling reasons. The District will abide by enforceable "no contact orders" which have been provided to the school.

Educational Decisions

Both parents have an equal right to make decisions about the education and welfare of their student, unless the school has received a certified copy of an enforceable court order that specifies that one of the parents, or someone else, has the sole right to make educational and/or general welfare decisions for the student.

If the parents cannot agree on a significant decision about the student's education or on matters affecting the health, safety, or welfare of the student, the school will take action based on what it considers to be in the best interests of the child.

Attendance**A. Termination of Enrollment**

A student who attains the age of sixteen (16) years during the school year has the right to file a formal declaration of intent to terminate school enrollment if the declaration is signed by the parent. The parent has the right to be notified by the District of its receipt of the student's declaration of intent to terminate school enrollment.

B. Married or Pregnant

Students who become or have become married or who are pregnant and parenting have the right to attend school and receive the same or equivalent educational instruction as other students. (see also Policy 5751 - Parental-Married Status of Students)

C. Compulsory Attendance

Parents of students who have attained the age of six (6) years by February 1st of any school year but who have not attained the age of sixteen (16) years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by attendance of the student in a public school; a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program. (see also Policy 5112 Student Assignment and Entrance Requirements and Policy 5200 Attendance)

D. Absence for Religious Purposes

A parent of a student may request and be granted permission for absence of the student from school for religious instruction or religious holidays. (see also Policy 5223 Absences for Religious Instruction and Policy 5225 - Absences for Religious Holidays)

E. Dropout Prevention and Academic Intervention Programs

The parent of a student has the right to receive written notice by certified mail prior to placement of the student in a dropout prevention and academic intervention program. The parent will be notified in writing and entitled to an administrative review of any action by school personnel relating to the student's placement.

F. Absence for Treatment of Autism Spectrum Disorder

A parent of a student may request and be granted permission for absence of the student from school for an appointment scheduled to receive a therapy service provided by a licensed health care practitioner or behavior analyst certified pursuant to Florida law for the treatment of autism spectrum disorder including, but not limited to, applied behavioral analysis, speech therapy, and occupational therapy.

Health Issues**A. Notice of Health Care Services**

At the beginning of the school year, the District will provide notice to parents of all health care services offered at their student's school and of the option to withhold consent to or decline any specific service. Before administering a student well-being questionnaire or health screening form to a student in kindergarten through grade 3, the District will provide the questionnaire or form to the parent and obtain the permission of the parent.

B. School-Entry Health Examinations

The parent of any student shall be exempt from the requirement of a health examination upon written request stating objections on religious grounds. (see also Policy 5112 Student Assignment and Entrance Requirements)

C. Immunizations

The parent of any student shall be exempt from the school immunization requirements upon meeting any of the specified exemptions. (see also Policy 5320 - Immunization and Health Examination and Policy 5112 - Student Assignment and Entrance Requirements)

D. Biological Experiments

Parents may request that their child be excused from performing surgery or dissection in biological science classes.

E. Reproductive Health and Disease Education

A public school student whose parent makes written request to the school Principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS. (see also Policy 2417 - Comprehensive Health Education)

F. Contraceptive Services to Students

Students may not be referred to or offered contraceptive services at school facilities without the parent's consent.

G. Career Education Courses Involving Hazardous Substances

High school students must be given safety glasses or devices in career education courses involving the use of hazardous substances likely to cause eye injury.

H. Substance Abuse Reports

The parent of a student must be timely notified of any verified report of a substance abuse violation by the student.

I. Inhaler Use

Asthmatic students whose parent and physician provide their approval to the school Principal may carry a metered dose inhaler on their person while in school. The school Principal shall be provided a copy of the parent's and physician's approval. (see also Policy 5330.01 - Self-Administered Medication and Epinephrine Use)

J. Epinephrine Use and Supply

A student who has experienced or is at risk for life-threatening allergic reactions may carry an epinephrine auto-injector and self-administer epinephrine by auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities, if the school has been provided with written parental and physician authorization.

The School District shall be indemnified by the parent of a student who is authorized to carry an epinephrine auto-injector for any and all liability with respect to the student's use of an epinephrine auto-injector pursuant to this policy.

The District and its employees and agents, including the physician who provides the standing protocol for school epinephrine auto-injectors, are not liable for any injury arising from the use of an epinephrine auto-injector administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is having an anaphylactic reaction:

1. unless the trained school personnel's action is willful and wanton;
2. notwithstanding that the parents or guardians of the student to whom the epinephrine is administered have not been provided notice or have not signed a statement acknowledging that the School District is not liable; and
3. regardless of whether authorization has been given by the student's parents or guardians or by the student's physician, physician's assistant, or advanced registered nurse practitioner.

(see also Policy 5330.01 - Self-Administered Medication and Epinephrine Use)

K. Diabetes Management

The District may not assign a student who has diabetes to a particular school on the basis that the student has diabetes, that the school does not have a full-time school nurse, or that the school does not have trained diabetes personnel.

Diabetic students whose parent and physician provide their written authorization to the school Principal may carry diabetic supplies and equipment on their person and attend to the management and care of their diabetes while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities, to the extent authorized by the parent and physician and within the parameters set forth by State Board of Education rule. The written authorization shall identify the diabetic supplies and equipment that the student is authorized to carry and shall describe the activities the child is capable of performing without assistance, such as performing blood-glucose level checks and urine ketone testing, administering insulin through the insulin-delivery system used by the student, and treating hypoglycemia and hyperglycemia.

The District and its employees and volunteers shall be indemnified by the parent of a student who is authorized to carry diabetic supplies or equipment for any and all liability with respect to the student's use of such supplies and equipment pursuant to this policy.

(see also Policy 5330.01 - Self-Administered Medication and Epinephrine Use)

L. Use of Prescribed Pancreatic Enzyme Supplements

A student who has experienced or is at risk for pancreatic insufficiency or who has been diagnosed as having cystic fibrosis may carry and self-administer a prescribed pancreatic enzyme supplement while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities, IF the school has been provided with written authorization from the student's parent and prescribing practitioner.

The District and its employees and volunteers shall be indemnified by the parent of a student who is authorized to use prescribed pancreatic enzyme supplements for any and all liability with respect to the student's use of the supplements under this policy.

(see also Policy 5330.01 - Self-Administered Medication and Epinephrine Use)

M. Involuntary Examinations of Students

Before a Principal contacts a law enforcement officer for possible removal of a student from school for involuntary examination, the Principal must verify that the school has used de-escalation strategies and initiated outreach to a mobile response team, unless the Principal reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others.

The Principal shall make a reasonable attempt to notify a parent of a student before the student is removed from school, school transportation, or a school-sponsored activity to be taken to a receiving facility for an involuntary examination pursuant to F.S. 394.463. Reasonable attempt to notify means the exercise of reasonable diligence and care by the Principal to make contact with the student's parent, guardian, or other known emergency contact whom the student's parent or guardian has authorized to receive notification of an involuntary examination. At a minimum, the Principal must take the following actions:

1. Use available methods of communication to contact the student's parent, guardian, or other known emergency contact including, but not limited to, telephone calls, text messages, e-mails, and voicemail messages following the decision to initiate an involuntary examination of the student;
2. Document the method and number of attempts made to contact the student's parent, guardian, or other known emergency contact, and the outcome of each attempt.

The Principal who successfully notifies any other known emergency contact may share only the information necessary to alert such contact that the parent or caregiver must be contacted. All such information must be in compliance with Federal and State law.

The Principal may delay the required notification for no more than twenty-four (24) hours after a student is removed if:

1. the Principal deems the delay to be in the student's best interest and if a report has been submitted to the central abuse hotline, pursuant to F.S. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect. ; or

2. the Principal reasonably believes that such delay is necessary to avoid jeopardizing the health and safety of the student.

N. Sun-protective Measures in School

A student may possess and use a topical sunscreen product while on school property or at a school-sponsored event or activity without a physician's note or prescription if the product is regulated by the United States Food and Drug Administration for over-the-counter use to limit ultraviolet light-induced skin damage.

O. Medication to Relieve Headaches

A student may possess and use a medication to relieve headaches while on school property or at a school-sponsored event/activity without a physician's note or prescription if the medication is regulated by the United States Food and Drug Administration for over-the-counter use to treat headaches.

P. Naloxone Use and Supply

Schools shall purchase a supply of the opioid antagonist naloxone from a wholesale distributor as defined in F.S. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in F.S. 499.003 for naloxone at fair-market, free, or reduced prices for use in the event that a student has an opioid overdose. The naloxone must be maintained in a secure location on the school's premises.

Discipline

A. Suspension

A student may be suspended only as provided by policy of the District. A good faith effort must be made to immediately inform the parent by telephone of the student's suspension and the reason. Each suspension and the reason must be reported in writing within twenty-four (24) hours to the parent by United States mail. A good faith effort must be made to use parental assistance before suspension unless the situation requires immediate suspension. A student with a disability may only be recommended for suspension or expulsion in accordance with State Board of Education rules.

B. Expulsion

Public school students and their parents have the right to written notice of a recommendation of expulsion, including the charges against the student and a statement of the right of the student to due process.

Safety

Students who have been victims of certain felony offenses by other students, as well as the siblings of the student victims, have the right to be kept separated from the student offender, both at school and during school transportation.

Educational Choice

A. Public School Choices

Parents may seek whatever public school options are applicable and available to students in the School District.

Options also include the public educational choice options of the Hope Scholarship Program (see Policy 2371 - Hope Scholarships), the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program, the Family Empowerment Scholarship Program, and the Florida Tax Credit Scholarship Program. (see also Policy 2370.01 - Virtual Instruction, and Policy 5113 - School of Choice Options Provided by the No Child Left Behind Act)

B. Private School Choices

Parents may seek private educational choice options under certain programs established under F.S. Chapter 1002.

C. Home Education

The parent may choose to place the student in a home education program, in accordance with State law. (see also Policy 9270 - Home Education Programs)

D. Private Tutoring

The parent of a student may choose to place the student in a private tutoring program in accordance with State law.

E. Reading Scholarships New Worlds Scholarships

The parent of a student in kindergarten through grade 5 who (1) has a substantial reading deficiency identified under F.S. 1008.25(5)(a) or scored below a Level 3 on the Statewide, standardized English Language Arts (ELA) assessment in the prior school year or (2) has a substantial deficiency in mathematics or the characteristics of dyscalculia as identified under F.S. 1008.25 or scored below a Level 3 on the Statewide, standardized Mathematics assessment in the prior school year may seek a reading scholarship in accordance with State law.

By September 30th of each year, the District will notify the parent of each eligible student in kindergarten through grade 5 who has a substantial reading deficiency identified under F.S. 1008.25(5)(a) or scored below a Level 3 on the Statewide, standardized ELA assessment in the prior school year of the process to request and receive a reading scholarship, subject to available funds.

F. Request to Transfer to Different Classroom Teacher

Although parents do not have a right to choose a specific classroom teacher, parents may request that their child be transferred to a different classroom teacher. As part of the request, the parent must state with specificity the grounds supporting the request. Requests must be in writing and signed by the parent.

G. All requests for a student to be transferred to another classroom teacher shall be considered by the Principal. Within two (2) weeks of receiving a request, the Principal shall notify the parent in writing as to whether the request is approved or denied. If denied, the Principal shall specify the reasons for the denial.

H. Request to Transfer to In-Field Classroom Teacher

A parent whose student is assigned an out-of-field teacher may request that their child be transferred to an in-field classroom teacher within the school and grade in which the student is currently enrolled. Although parents do not have a right to choose a specific classroom teacher, parents may request that their child be transferred. The request must be provided to the Principal in writing and signed by the parent.

All requests for a student to be transferred to another classroom teacher shall be considered by the Principal. Within two (2) weeks of receiving a request, the Principal shall notify the parent in writing as to whether the request is approved or denied.

If an in-field teacher for the student's course and grade level is employed by the school and the transfer would not violate maximum class size requirements, the request shall be approved. The student shall be transferred no later than two (2) weeks from the date the request is received.

If denied, the Principal shall specify the reasons for the denial.

ACCEL Options

Parents may request student participation in Academically Challenging Curriculum to Enhance Learning (ACCEL) options, including whole grade promotion, midyear promotion or subject matter acceleration. If the parent selects one of these ACCEL options and the student meets eligibility and procedural requirements in the student progression plan, the student will have the opportunity to participate in the ACCEL option.

Nondiscrimination

All education programs, activities, and opportunities offered by public educational institutions must be made available without discrimination on the basis of race, color, ethnicity, national origin, sex, gender, disability, religion, or marital status, in accordance with the provision of F.S. 1000.05.

Exceptional Students

Parents may enroll their eligible child in gifted or special education. (See also Policy 2460 - Exceptional Student Education)

A. Notice and Due Process

Parents of students with disabilities and parents of students in residential care facilities are entitled to notice and due process. (see also Policy 2460 - Exceptional Student Education)

B. Graduation

Students with disabilities are provided the opportunity to meet the graduation requirements for a standard high school diploma. Certain students with disabilities may be awarded a special diploma upon high school graduation. (see also Policy 2623 - Student Assessment)

C. Meetings with District Personnel

Parents of students with disabilities, or eligible students with disabilities, may be accompanied by another person of their choice at any meeting with District personnel.

District personnel will not object to the attendance of such adult or discourage or attempt to discourage through any action, statement, or other means, parents or an eligible student, from inviting another person of their choice to attend any meeting. Parents, eligible students, or other individuals invited to attend such meetings by parents or eligible students on school grounds shall sign-in at the front office of such school as a guest.

Parents, or eligible students, and District personnel shall sign a form at the meeting's conclusion which states whether or not any District personnel have prohibited, discouraged, or attempted to discourage the parents, or eligible student from inviting a person of their choice to the meeting pertaining to their child's, or their own, educational environment, placement, or discipline.

Blind Students

Students who are blind have the right to an individualized written education program and appropriate instructional materials to attain literacy.

Limited English Proficient Students

Limited English proficient students have the right to receive English for Speakers of Other Languages (ESOL) instruction designed to develop the student's mastery of listening, speaking, reading, and writing in English as rapidly as possible. The students' parents have the right of parental involvement in the ESOL program.

Students with Substantial Reading and/or Mathematics Deficiencies

Each elementary school shall regularly assess the reading ability of each K-3 student. In accordance with F.S. 1008.25, a parent of (1) any K-3 student who exhibits a substantial reading deficiency or the characteristics of dyslexia or (2) an K-4 student who exhibits a substantial deficiency in mathematics or the characteristics of dyscalculia shall be immediately be provided written notification and monthly progress reports as required in F.S. 1008.25, notified of the student's deficiency with a description and explanation in terms understandable to the parent. The student who has a substantial reading deficiency will be remediated through intensive intervention. The parent shall be informed that the student will be given intensive reading instruction.

Pledge of Allegiance

A student will be excused from reciting the Pledge of Allegiance or the Declaration of Independence, upon written request by the student's parent, in accordance with State law. See also Policy 8800, Religious/Patriotic Ceremonies and Observances.

Student Records

A. Each parent has an equal right of access, right to waive access, right to challenge and hearing and right of privacy in the education records of their student who is a minor or a dependent adult pursuant to law, unless the school has received a certified copy of an enforceable court order that provides to the contrary. (see also Policy 8330 - Student Records)

B. A student is not required to provide their social security number as a condition for enrollment or graduation. (see also Policy 8330 - Student Records)

C. The school will not collect, obtain or retain information on the political affiliation, voting history, religious affiliation or biometric information of a student, parent or siblings.

Student Report Cards

Students and their parents have the right to receive student report cards on a regular basis that clearly depict and grade the student's academic performance in each class or course, the student's conduct, and the student's attendance.

Student Progress Reports

Parents shall be informed at regular intervals of the academic progress and other needed information regarding their child. Reasonable efforts will be made to ensure that parents are provided information on helping their child succeed in school. (see also Policy 5420 - Reporting Student Progress)

Student Accountability and School Improvement Rating Reports

Parents of public school students are entitled to an easy-to-read report card about the school's grade designation or, if applicable, school's improvement rating, and the school's accountability report, including the school financial report.

High School Athletics

A. Eligibility

A student is eligible in the school in which they first enrolls each school year, the school in which the student makes themselves a candidate for an athletic team by engaging in practice before enrolling, or the school to which the student has transferred with approval of the Board, in accordance with State law. (see also Policy 2431 - Interscholastic Athletics)

B. Medical Evaluation

Students must satisfactorily pass a medical evaluation each year before participating in athletics, unless the parent objects in writing based on religious tenets or practices, in accordance with State law. (see also Policy 2431 - Interscholastic Athletics)

Extra-Curricular Activities

A. Eligibility

Students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities. (see also Policy 2430 - District-Sponsored Clubs and Activities)

B. Home Education Students

Home education students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities at the public school to which the student would be assigned or could choose to attend according to Board policies, or may develop an agreement to participate at a private school.

C. Charter School Students

Charter school students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities at the school to which the student would be assigned or could choose to attend according to Board policies unless such activity is provided by the student's charter school.

D. Florida Virtual School Full-Time Students

Florida Virtual School full-time students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities at the public school to which the student would be assigned or could choose to attend according to Board policies.

Instructional Materials



A. Core Courses

Each student is entitled to sufficient instructional materials in the core courses of mathematics, language arts, social studies, science, reading, and literature.

B. Curricular Objectives

The parent of each student has the right to receive effective communication from the school Principal as to the manner in which instructional materials are used to implement the school's curricular objectives.

C. Sale of Instructional Materials

Upon request of the parent of a student, the Principal will sell to the parent any instructional materials used in the school.

D. Dual Enrollment Students

Instructional materials purchased by the District or a Florida College System institution board of trustees on behalf of dual enrollment students are available to the dual enrollment students free of charge.

E. Parent Access to Instructional Materials

Parents have the ability to access their child's instructional materials and may object to the use of a specific instructional material or contest the adoption of instructional material (See Policy 2520, Selection and Adoption of Instructional Materials).

Juvenile Justice Programs

Students who are in juvenile justice programs have the right to receive educational programs and services, in accordance with State law.

Parental Input and Meetings**A. Meetings with School District Personnel**

Parents may be accompanied by another adult of their choice at a meeting with School District personnel.

B. District Educational Facilities Program

Parents and other members of the public have the right to receive proper public notice and opportunity for public comment regarding the District's educational facilities work program, in accordance with State law.

C. Parent-Teacher Associations and Organizations

Parents have the right to participate in parent-teacher associations and organizations that are sanctioned by the Board or by the Florida Department of Education.

Transportation**A. Transportation to School**

Students are provided transportation to school in accordance with the provisions of State law. (see also Policy 8600 - Transportation)

B. Hazardous Walking Conditions

Students in grades K-6 are provided transportation if they are subjected to hazardous walking conditions, in accordance with State law.

C. Parental Consent

Each parent of a public school student must be notified in writing and give written consent before the student may be transported in a privately owned motor vehicle to a school function in accordance with State law. (see also Policy 8660 - Transporting Students by Private Vehicles)

Orderly, Disciplined Classrooms

Students will be in orderly, disciplined classrooms conducive to learning without the distraction caused by disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students.

Economic Security Report

Prior to registration, each middle school and high school student or the student's parent will be provided a two (2) page summary of the Department of Economic Opportunity's economic security report of employment and earning outcomes and electronic access to the report.

Safe Schools

Parents of District students will be timely notified pursuant to procedures adopted by the Superintendent of threats and the following unlawful acts or significant emergencies that occur on school grounds, during school transportation, or during school-sponsored activities:

- A. Weapons possession or use when there is intended harm toward another person;
- B. Murder, homicide, or manslaughter;
- C. Sex offenses, including rape, sexual assault or sexual misconduct with a student by school personnel;
- D. Natural emergencies, including hurricanes, tornadoes, and severe storms.
- E. Exposure as a result of a manmade emergency.

Parents of District students have a right to access school safety and discipline incidents as reported pursuant to F.S. 1006.07 (9).

Parental Notification of Arrests of Employees

Notwithstanding F.S. 1012.31(3)(a)1 and 1012.796(4), within twenty-four (24) hours after a law enforcement agency provides the Superintendent with written notification pursuant to F.S. 1012.797 that a District employee has been arrested for a felony or a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance, the Principal shall notify parents of enrolled students who had direct contact with the employee and include, at a minimum, the name and specific charges against the employee.

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6320 - PURCHASING AND CONTRACTING FOR GOODS AND SERVICES

The School Board is committed to the active pursuit and solicitation of maximum vendor response and participation in the acquisition of materials, supplies, and services. The essence of this statement of purchasing policy is to foster a structured system of open competition that will enable the District to purchase needed materials, supplies, and services of the appropriate levels of quality at the lowest possible cost.

Any Board employee who has purchasing authority must first consider the interests of the Board in all purchases and seek to obtain the maximum value for each dollar expended; not solicit or accept any gifts or gratuities from present or potential suppliers which might influence or appear to influence purchasing decisions; and refrain from any private business or professional activity that might present a conflict of interest in making purchasing decisions on behalf of the Board.

All purchases made using the Board's purchasing card will be in accordance with AP 6424.

The Superintendent is authorized to prepare and periodically update a District purchasing manual to be disseminated to all schools and departments setting forth detailed procedures and practices for implementing this policy.

SCOPE

This policy is applicable to the District's purchase of products and services, except it does not apply to the following:

- A. employment contracts;
- B. acquisition of architectural, engineering, landscape architectural, construction management at risk, registered surveying and mapping, or other services pursuant to policies related to the acquisition of professional architectural, engineering, landscape architectural, or land surveying services;
- C. acquisition of auditing services pursuant to F.S. 218.391;
- D. unemployment compensation charges;
- E. worker's compensation charges;
- F. lease payments for real property;
- G. acquisition of professional consultant services, including but not limited to services of lawyers, accountants, financial consultants and other business or operational consultants, which is governed by Policy 6540 - Consultant Agreements;
- H. purchases contracts which are exempted, in whole or in part, from this policy's requirements, as set forth below.

DEFINITIONS

- A. The term "competitive solicitation" is defined for the purposes of this policy to include purchases made through the issuance of an invitation to bid, request for proposals, and invitations to negotiate.
- B. "Invitation to Bid (ITB)" shall have the same meaning as set forth in Rule 6A-1.012, Florida Administrative Code, is defined for the purposes of this policy as a written solicitation for competitive sealed bids. The invitation to bid is used when the District is capable of specifically defining the scope of work for which a contractual service is required or when the District is capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is publicly posted.
- C. "Request for Proposals (RFP)" shall have the same meaning as set forth in Rule 6A-1.012, Florida Administrative Code, is defined for the purposes of this policy as a written solicitation for competitive sealed proposals. The request for proposal is used when it is not practicable for the District to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the District is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A written solicitation includes a solicitation that is publicly posted.
- D. "Invitation to Negotiate (ITN)" shall have the same meaning as set forth in Rule 6A-1.012, Florida Administrative Code, is defined for the purposes of this policy as a written solicitation for competitive sealed replies to select one (1) or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the District determines that negotiations may be necessary for it to receive the best value. A written solicitation includes a solicitation that is publicly posted.
- E. "District Term Contract" or "DTC" refers to an indeterminate quantity contract for a specific period/term initiated by a procurement (conducted by the District or another public sector entity) and executed by the District for use by all offices and schools of the District. "Request for Qualifications (RFQ)" is a method used whereby the Board publishes via newspaper, internet or direct mail its desire to obtain statements of qualifications from bidders prior to issuing a solicitation thus creating a short list and reducing the evaluation time after bids and proposals are received. This type of request may also be used when the procurement is otherwise exempt from requirements subject to competitive solicitation pursuant to Florida Statutes and State Board of Education Rules.
- F. "Request for Information (RFI)" shall have the same meaning as set forth in Section 287.012, Florida Statutes, is a method whereby the Board publishes via newspaper, internet, or direct mail its need for input from interested parties for an upcoming procurement. Price or cost may or may not be requested. This type of request may be used when the procurement is otherwise exempt from requirements subject to competitive solicitation pursuant to Florida Statutes and State Board of Education Rules.
- G. "Cooperative Purchasing" refers to a contract solicited by another public sector entity or consortium that is allowed for use by other entities, allowing the District to means action taken when two (2) or more entities combine their requirements to obtain advantages of volume purchases including administrative savings and other benefits. Cooperative procurement efforts often result in contracts that other entities may "piggyback".
- H. The term "proposer" is defined for the purposes of this policy to include those vendors submitting bids, ~~or~~ responses, or replies to a competitive solicitation.
- I. "Superintendent" means the "Superintendent or designee."
- J. "Supplier" or "Vendor" refers to a person, organization, or business that sells, or offers to sell, commodities or contractual services.
- K. "Request for Quotations" means an informal process to solicit three (3) or more written price quotes on items, commodities, or services with standard specifications and valued under the threshold requiring formal competitive solicitations or on a contract with multiple awarded vendors. Quotations may be solicited via phone or electronically

PURCHASING POLICIES - GENERAL PROVISIONS

A. Code of Conduct Standards

Staff authorized to procure goods or services on behalf of the Board will conduct themselves in accordance with Board Policy 1129 - *Conflict of Interest*, which the Board, by reference in this policy, makes applicable to all staff engaged in any procurement activities on behalf of the District.

B. Authorization:

The Board has authorized the Superintendent to review and approve all two-signature contracts and agreements up to \$50,000 and all purchase orders. The Superintendent may delegate this authority to qualified staff, in writing, as appropriate. The Board will approve all solicitation awards and Board Decisions.

~~Staff functioning u~~Under the Superintendent's direction, Board employees may be authorized to perform these purchasing tasks as detailed in this policy. This policy includes the minimum designated staff tasks and responsibilities but is not the limit to which staff members may act in the performance of their respective duties. ~~No person, u~~Unless authorized to do so under the policies of the Board, no person may make any purchase or enter into any contract involving the use of District and/or school funds. All Board purchases, except PCard purchases less than \$8,000 and travel expenditures, must have a written agreement (formal contract or PO) that includes all purchase provisions, requirements, and conditions. No expenditures for any such unauthorized purchase or contract will be approved by the Board and. The payment for any unauthorized purchase or contract will be the sole responsibility of the person placing the order or entering into such contract, except those qualifying as an after-the-fact purchase or settlement agreement. An after-the-fact PO may be issued for purchases less than \$50,000 if the purchase is an acceptable use of District funds and the frequency of after-the-fact purchases by the Program Area is not excessive. For purchases over \$50,000, a formal settlement agreement is required. Settlement agreements require Board approval.

- C. The Purchasing Department Director, under the direction of the Superintendent, will advertise competitive solicitations as provided in the applicable statutes and State Board of Education administrative regulations, for materials, supplies, and services whose total cost is more than \$50,000 or the current competitive solicitation threshold as established by the State Board of Education, whichever is less. These proposals/bids will be presented to the Board for approval before any funds are encumbered or expended. The procurement of commodities or contractual services may not be divided so as to avoid this monetary threshold requirement. Any application of the exceptions to competitive solicitations allowed in statute or rule herein will be considered if determined to be in the best interest of the Board.
- D. Any solicitation for the procurement of commodities, contractual services, or leases must include a provision notifying vendors that the Board will not request documentation of, consider, or give any preference based on the vendor's social, political, or ideological interests.

- E. Award of a solicitation/bid by the Board only represents an indication by the Board that a bid represents the lowest responsive bid proposal is from a responsible and responsive bidder, meeting the requirements and criteria set forth as the basis of award in the solicitation/in the invitation to bid. Award of a solicitation/bid does not create a binding obligation on the Board, and no obligation is created or imposed on the District until such time as a purchase order has been issued or a contract executed for the commodities or services.

- The Board has the authority to reject any or all proposals submitted in response to any competitive solicitation and request new proposals or purchase the required commodities or contractual services in any manner authorized by Florida Statutes and the Florida Administrative Code.
- In acceptance of responses to a competitive solicitation/invitations to bid, the Board may accept the proposal of the lowest responsive, responsible proposer. In the alternative the Board may also choose to award contracts to the lowest responsive, responsible bidder one vendor as the primary awardee of a contract, and to the next ranked lowest responsive, responsible bidder(s) as alternate awardees from whom commodities or contractual services would be purchased should the primary awardee become unable to provide all of the commodities or contractual services required by the Board during the term

of the contract. Nothing herein is meant to prevent multiple awards to the lowest responsive and responsible bidders when such multiple awards are clearly stated in the bid solicitation documents.

3. For a proposal to be considered responsive, the proposal must meet ~~respond to all bid specifications in all material respects~~ mandatory requirements of the solicitation document and contain no irregularities or deviations from the bid specifications that would affect the amount of the proposal or otherwise provide a competitive advantage.

To determine responsibility, for a bidder to be deemed responsible, the Board may request evidence from the bidder including, but not limited to concerning:

- the experience (type of product or service being purchased, etc.) of the bidder;
- the financial condition;
- the conduct and performance on previous contracts (with the District or other agencies);
- the bidder's facilities;
- management skills; and
- the ability to execute the contract properly.

F. The following standards for the procurement of commodities and contractual services will be established by the District at the following dollar limits.

1. Micro-Purchases: Less than \$8,000

2. Informal Purchases: \$8,000 to \$49,999.99

3. Major Purchases (Competitive Solicitation Threshold): Over \$50,000

The authority to make purchases and to expend monies that are properly budgeted for materials, supplies, and services not in an established State contract and not otherwise exempt from bidding by State law and/or State Board of Education regulations, is vested in the Purchasing Director under the direction of the Superintendent for those materials, supplies, and services whose total cost is not more than \$50,000 or the current competitive solicitation threshold set by the State Board of Education, whichever is less, provided the purchase complies with this policy. Purchasing Director has secured competitive written quotes for items or a group of like items whose total cost is more than \$8,000, but less than \$50,000. Staff will solicit informal quotes written quotations from three (3) or more vendors. The award will be made to the vendor who submitted the lowest price quotation meeting all specifications. All quotations obtained will be included with the resulting purchase order or contract. These purchases do not require Board approval.

EXCEPTIONS TO COMPETITIVE SOLICITATIONS

The Board may waive the requirements for competitive quotes or solicitations for the purchase or acquisition of commodities or contractual services stated below, and/or in the following circumstances:

- As required by Sections 1001.41 and 1010.04, Florida Statutes and Rule 6A-1.012, Florida Administrative Code, State law before making a purchase, the Board will review and consider the prices available to it under the contracts established and managed by rules of the Department of Management Services, Division State of Purchasing. The Board may use contract prices established or approved by the Division of State without Board approval. Purchasing through its State purchasing agreement price schedule.
- Pool Purchases:** Pool purchases made as provided in F.S. 1006.27.
- Emergency Purchases:** The requirement for competitive solicitations for the emergency purchase of commodities or contractual services is waived when the Superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the Board requires emergency action. After the Superintendent makes such a determination, the School District may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without requesting competitive solicitations. However, when practicable, such an emergency purchase will be made by obtaining pricing information from at least two (2) prospective vendors, which must be retained in the contract file, unless the Superintendent determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the School District. Emergency purchases in excess of \$50,000 or the current competitive solicitation threshold set by the State Board of Education, whichever is less, for which competitive solicitations have been waived will be submitted to the Board for ratification.
- Single Source:** Commodities or contractual services available from a single source are exempt from the competitive solicitation requirements. When the Board believes that commodities or contractual services are available only from a single source, unless an exemption is established herein, the Purchasing Department will electronically or otherwise publicly post a description of the commodities or contractual services sought for a period of at least seven (7) business days. The description must include a request that prospective vendors provide information regarding their ability to supply the commodities or contractual services described. If it is determined in writing by the District, after reviewing any information received from prospective vendors, that the commodities or contractual services are available only from a single source, the District will provide notice of its intended decision to enter a single source contract in the manner specified in F.S. 120.57(3), and may negotiate on the best terms and conditions with the single source vendor. Purchases in excess of \$50,000 or the current competitive solicitation threshold set by the State Board of Education, whichever is less, for commodities or services for which the use of a competitive solicitations has been waived require Board approval.
- No Responses:** The requirement for requesting competitive solicitations and making purchases for commodities and contractual services are hereby waived as authorized by F.S. 1010.04(4)(a), when the following conditions have been met by the Board:
 - Competitive solicitations have been requested in the manner prescribed by this policy, and,
 - The Board has made a finding that no responsive valid or acceptable firm proposal has been received from a responsible vendor within the prescribed time. When such a finding has been officially made, the Board may enter into negotiations with suppliers of such commodities and contractual services and has the authority to execute contracts with such vendors under whatever terms and conditions as the Board determines to be in its best interests.
- Single Bid Response:** If fewer than two (2) responsive proposals for a commodity or contractual services are received, the Board may negotiate on the best terms and conditions or decide to reject all proposals. The Board will document the reasons that negotiating terms and conditions with the sole proposer is in the best interest of the Board in lieu of resoliciting proposals.
- Cooperative Contracts:** The Board may make purchases at or below the specified prices from contracts awarded by other city or county governmental agencies, other district school boards, community colleges, Federal agencies, the public or governmental agencies of any state, or from State university systems, and cooperative bid agreements, when the proposer awarded a contract by another entity defined herein will permit purchases by a district school board at the same terms, conditions, and prices (or below such prices) awarded in such contract, and such purchases are to the economic advantage of the Board. Authority for such purchases is vested in the Purchasing Director, under the direction of the Superintendent. Any purchases made under this authority are not subject to Board

approval.

- H. **Professional Services:** The purchase of professional services, defined as those services requiring specialized skills, training, or certification, which include, without limitation, artistic services; academic program reviews; lectures by individuals; auditing services not subject to F.S. 218.391; legal services, including attorney, paralegal, expert witness, court reporting, appraisal, or mediator services; and health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration; provided nothing herein is deemed to authorize the Superintendent to acquire professional consultant services without Board approval as required by Board Policy 6540-Local Purchasing Preference.
- I. **Educational Services and Materials:** The purchase of educational services and any type of copyrighted materials including, without limitation, educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, videotapes, DVDs, disc or tape recordings, digital recordings, or similar audio-visual materials, and for library and reference books, and printed library cards where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent within the State, a governmental agency, or a recognized educational institution.
- J. **Information Technology:** When acquiring, whether by purchase, lease, lease with option to purchase, rental or otherwise, information technology, as defined in F.S. 282.0041(2014), the Board may make any acquisition through the competitive solicitation process as described herein or by direct negotiation and contract with a vendor or supplier, as best fits the needs of the District as determined by the Board.
- K. **Insurance/Risk Management:** Except as otherwise required by State law, the Board, when purchasing insurance, entering risk management programs, or contracting with third-party administrators, may make any such acquisitions through the competitive solicitation process as described herein or by direct negotiations and contract.
- ~~L. Purchases made from funds handled in trust for individuals such as purchases of class jewelry, school annuals, cards and invitations, insignia, caps and gowns, etc., are exempt from the requirements relative to purchasing; however, all such funds shall be deposited in the internal funds and subject to the regular individual school audit.~~
- ~~M. Purchases of food products, except milk, required by the Board's food service program and other ancillary food operations, which are exempt pursuant to F.A.C. 6A-7-0411(2)(i)(2).~~
- N. **L. Direct Purchase of Materials:** Direct purchases of construction project material by the District, on behalf of the awarded construction contractor/manager, directly from vendors to take advantage of the District's sales tax-exempt status.
- O. **M. Law-Prescribed:** A contract for commodities or contractual services may be awarded without competitive solicitations if State or Federal law, a grant or a State or Federal agency contract prescribes with whom the Board must contract or if the rate of payment is established during the appropriations process.
- P. **N. Regulated Utilities:** A contract for regulated utilities or government franchised services may be awarded without competitive solicitations.
- Q. **O. Governmental Entities:** Services or commodities provided by governmental agencies.
- R. **P. Equipment Maintenance:** Purchases of maintenance and/or service contracts on equipment that are offered and/or supplied only by the original manufacturer or its representative, or that are required to maintain the integrity of the manufacturer's warranty, or that are part of the manufacturer's rental/lease/lease purchase agreements terms and conditions.
- S. **Q. Competitive bidding is waived for purchases which are otherwise not appropriate for normal competitive purchasing included but not limited to:**
1. employee related admission/registration fees to workshops and conferences;
 2. association fees, professional association dues, academy certification requirements, and District membership to organizations;
 3. District rental/lease of facilities;
 4. all utility service, connection charges, and fees;
 5. graduation program fees including facility rental, equipment requirements, foliage rental, etc;
 6. student related field trips that are not handled through a tour company or travel agency, airline tickets, tickets and admissions to parks, registration fees for competitions, summer camps, and hotel accommodations;
 7. groceries and supplies for educational use in educational or alternative programs;
 8. insurance policies payments/reimbursements, State fees (retirement, unemployment compensation, etc.), tax related payments, legal settlement payments and bonds, license fees and agreements, permit fees, property loss payments;
 9. media advertising (newspaper, radio, television, banners, brochures, pamphlets, etc.); and
 10. postage.

DEBARMENT

The ~~Director of Purchasing~~ Superintendent has the authority to debar a person/corporation, for cause, from consideration or award of further contracts. The debarment will be for a period commensurate with the seriousness of the cause, generally not to exceed three (3) years. If suspension precedes a debarment, the suspension period will not be considered in determining the debarment period. When the offense is willful or blatant, a longer term of debarment may be imposed, up to an indefinite period.

A. Cause of Debarment

The term "debar" or "debarment" means to remove a vendor from bidding on District work. Causes for debarment include, but are not limited to the following:

1. conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or sub-contract, or in performance of such contract;
2. conviction under State or Federal statutes for embezzlement, theft, forgery, bribery, falsification or destruction of records, or receiving stolen property, or any other offense indicating lack of business integrity or business honesty that currently, seriously, and directly affects responsibility as a vendor;
3. conviction under State or Federal anti-trust statutes arising out of submission of bids or proposals;
4. violation of contract provisions, including:

- a. deliberate failure, without good cause, to perform in accordance with specifications or within the time limits provided in the contract(s); and
- b. a recent record of failure to perform, or of unsatisfactory performance, in accordance with the terms of one (1) or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor will not be considered to be a basis for debarment;

- 5. refutation of an offer by failure to provide bonds, insurance or other required certificates within the time period as specified in bid/RFP response;
- 6. refusal to accept a purchase order, agreement, or contract, or to perform thereon, provided such order was issued timely and in conformance with the offer received;
- 7. presence of principals or corporate officers in the business of concern who were principals within another business at the time when the other business was suspended within the last three (3) years under the provisions of this section;
- 8. violation of the ethical standards set forth in State law;
- 9. providing or offering to provide anything of value, including, but not limited to, a gift, loan, reward, promise of future employment, favor or service to any employee to influence the award of contract or purchase items from a contractor;
- 10. existence of unresolved disputes between the contractor and the District arising out of or relating to prior contracts between the District and the contractor, work performed by the contractor, or services or products delivered.
- 11. any other cause the Director of Purchasing determines to be so serious and compelling as to affect credibility as a District vendor, including debarment by another governmental entity for any cause listed in this policy.

B. For purposes of quality control, procedures for evaluating products obtained and for compiling information about purchases of substandard or unsatisfactory goods and services will be established. Vendors who fail to provide satisfactory goods or services may be removed from the bidders' list by the Superintendent. Such vendors may also be returned to the bidders' list at the discretion of the Superintendent.

~~As required by State law, the Board will receive and give consideration to the prices available to it through the use of program for on-line procurement of commodities and contractual services under F.S. 287.057(23)(a), under the rules of the Department of Management Services, Division of Purchasing.~~

SELECTION COMMITTEES - REQUEST FOR QUALIFICATIONS AND REQUEST FOR PROPOSALS

~~Selection committees for professional service providers for construction projects will be in compliance with Board Policy 6330.~~

~~Selection committees for non-construction related commodities or services will be appointed by the requesting site administrator with the evaluation process facilitated by a member of the purchasing staff. Awards will be made to the responsible proposer(s) whose proposal is determined to provide the best solution to the Board based on the evaluation factors set forth in the solicitation document.~~

LEASES, LEASE-PURCHASES, AND INSTALLMENT CONTRACTS

- A. In accordance with Policy 6320-02, if the Board approves, and the Board Chair signs, any lease, lease-purchase, and installment sales contracts in excess of \$50,000 ~~25,000~~ with private individuals, corporations, or governmental agencies for the acquisition of equipment and property items needed for educational purposes regardless of fund source. No lease, lease-purchase or installment sales contract over \$50,000 will be entered into without specific Board approval prior to issuance of a purchase order even if the item is a sole source item or is on State contract.
- B. Lease, lease-purchase, or installment sales contracts will be for periods not to exceed ~~five~~ **three (3)** years with a specified yearly payment rate and interest rates not in excess of those authorized by law. Any lease renewal in excess of \$50,000 ~~25,000~~ must be approved by the Board. Schools or divisions requesting lease, lease-purchase, or installment sales contracts will allocate sufficient funds in the budget for the cost of each contracted year and will have the appropriate director or assistant superintendent sign off prior to requesting Board approval, if required.
- C. Copiers - Rental leases are only allowable for copiers. Copiers cannot be purchased through a lease purchase agreement. Copier lease periods cannot exceed ~~five~~ **three (3)** years. Copier equipment utilizing network capabilities is considered a computer equipment equivalent purchase and are subject to the same review process that is required for computer equipment.
- D. Software - Lease purchases of software cannot exceed ~~five~~ **three (3)** years. Multi-year lease purchases of educational software must be approved by Technology and Information Services and the Division of Teaching and Learning to ensure the software is compatible with the *Leon County School Board Technology Plan* and curriculum goals.
- E. Computer/Equipment Hardware - Capital leases for computer hardware cannot exceed ~~five~~ **three (3)** years. The computer equipment being acquired must be approved by Technology and Information Services to ensure the hardware is in compliance with the *Leon County School Board Technology Plan*.
- F. Refinancing of lease, lease-purchase agreements, or installment sales contracts is permitted to take advantage of a lower interest rate than that of the initial transaction ~~when~~ approved in advance by the Board.

CHANGE ORDERS

The Superintendent has the authority to approve change orders to contracts, for products or services totaling \$50,000 ~~25,000~~ or less, provided that funds for securing such products or services have been properly budgeted within the project budget and that the total amount of all change orders ~~so approved~~ does not exceed ~~fifteen~~ **one** percent (15%) of the total amount originally budgeted for the project. Any such action will be brought to the Board for ratification, at the Board's next regular meeting.

Change orders exceeding \$50,000 ~~25,000~~ require Board approval ~~initially~~. For change orders related to construction contracts see Policy 6345 - Change Orders to Construction Contracts.

ACQUISITIONS FOR TECHNOLOGY AND INFORMATION SERVICES

Acquisitions for technology and information services will be in accordance with AP 63201.

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6450 - LOCAL PURCHASING PREFERENCE

The School Board recognizes its position as a major purchaser in this community. While it is the intention of the Board to purchase materials and supplies of quality at the lowest possible cost through widespread competition, if all other considerations are equal, the Board prefers to purchase within Leon and immediately adjacent counties from established local merchants.

The provisions of this policy shall apply to every purchase requiring the competitive solicitation process, formal sealed bids and construction management subcontractor bids irrespective of funding source, except as otherwise specified by law. All Districtwide solicitations documents shall notify include notice to vendors of the local preference policy.

The Superintendent is authorized to approve purchases from local vendors when the purchase amount of the purchase does not exceed the Superintendent's purchasing authority prescribed in Policy 6320 and does not exceed the applicable appropriation in the District budget.

Further, the Superintendent may recommend and the Board may approve the purchase of commodities or contractual services from local vendors for an amount that exceeds the Superintendent's spending authority established in Policy 6320 when the purchase is the result of a competitive solicitation conducted in accordance with law and State Board rule.

Furthermore, it shall be the policy of the Board to afford local preference to the lowest responsive and responsible Leon County vendors and adjacent county vendors in accordance with the terms set forth below. The Superintendent shall adhere to the standards for "responsive and responsible bidders" as required in F.A.C. 6A-1.012 and described in AP 6320A - Purchasing Procedures. When applying this preference, the maximum cost differential shall not exceed \$20,000. The total bid price shall include the base bid and all alternatives or options to the base bids, which are part of the bid and are recommended for award.

"Local business defined: For purposes of this policy, a Local Business is a Leon County vendor is a private independent vendor that has been licensed for at least six (6) months preceding the bid or proposal solicitation opening, as required by local, State, and Federal law to provide the goods or services or construction to be purchased. In addition, the vendor must have a physical business address staffed by at least one (1) person in the geographical boundaries of Leon, Gadsden, Jefferson, Liberty, or Wakulla counties, Florida County. The vendor, on a day-to-day basis, should provide to the Board the needed goods and/or services substantially from the local business address. Post Office boxes are not verifiable and shall not be used for the purpose of establishing said physical address. Bidders/Proposers desiring to receive Vendors requesting local preference will be invited and required to affirmatively must request the designation state and provide documentation in support of their status as a local business as set forth in the solicitation in support of their status as a local business. Any vendor/bidder/proposer who fails to submit sufficient documentation with their responsebid/proposal offer shall not be granted local preference consideration for the purpose of that specific contract award. The Purchasing Officer/agent is not required to verify the accuracy of any such documentation and shall have the sole discretion to determine if a vendor meets the definition of a "local business".

An "adjacent county vendor" is any private independent vendor that has been licensed for at least six (6) months preceding the bid or proposal solicitation opening, as required by local, State, and Federal law, to provide the goods or services or construction to be purchased. In addition, the vendor must have a physical business address staffed by at least one (1) person within the geographical boundaries of Gadsden, Jefferson, or Wakulla counties, Florida. The vendor, on a day-to-day basis, should provide to the Board the needed goods and/or services substantially from the local business address. Post Office boxes are not verifiable and shall not be used for the purpose of establishing said physical address. Bidders/Proposers desiring to receive Vendors requesting local preference will be invited and required to affirmatively state must request the designation and provide documentation in support of their status as an adjacent county business as set forth in the solicitation in support of their status as a local business. Any vendor/bidder/proposer who fails to submit sufficient documentation with their responsebid/proposal offer shall not be granted adjacent county local preference consideration for the purposes of that specific contract award. The Purchasing Officer/agent is not shall not be required to verify the accuracy of any such documentation, and shall have the sole discretion to determine if a vendor meets the definition of an "adjacent county vendor/local business".

Purchases of goods or services shall give preference to local vendors, in the following manner:

A. On competitive sealed bids and informal sealed quotes as defined in Policy 6320, where the total cost line item or lump sum proposal is less than \$1550,000 and determination is based on price, the local preference will be applied as follows:

1. When a responsive and responsible non-local business submits the lowest bid cost, the Leon County Local Business vendor preference to be awarded shall be in an amount not to exceed five percent (5%).
2. When a responsive and responsible non-local business submits the lowest cost bid, the adjacent county vendor preference to be awarded shall be in an amount not to exceed three percent (3%).

B. On competitive sealed bids over \$1550,000, when determination is based on price and the local business vendor is not otherwise the lowest responsive and responsible bidder, then the local business vendor shall have the opportunity to submit an offer to match the bid offered by the lowest responsive and responsible non-local bidder:

Local Businesses

1. On competitive sealed bids between \$1550,000 and \$250,000, when a responsive and responsible non-local business submits the lowest bid, and the bid submitted by one (1) or more responsive and responsible local businesses is within five percent (5%) of the price submitted by the non-local business, then the local business with the apparent lowest bid offer (i.e., the lowest local bidder) shall have a one time opportunity to submit an offer to match the price(s) offered by the overall lowest responsive and responsible non-local bidder.
2. On competitive sealed bids over \$250,000, when a responsive and responsible non-local business submits the lowest bid, and the bid submitted by one (1) or more responsive and responsible local businesses is within three percent (3%) of the price submitted by the non-local business, then the local business with the apparent lowest bid offer (i.e., the lowest local bidder) shall have a one time opportunity to submit an offer to match the price(s) offered by the overall lowest responsive and responsible non-local bidder.
3. On competitive sealed bids between \$1550,000 and \$250,000, when a responsive and responsible non-local business submits the lowest bid, and the bid submitted by one (1) or more responsive and responsible adjacent county businesses is within three percent (3%) of the price submitted by the non-local business, then the adjacent county business with the apparent lowest bid offer (i.e., the lowest adjacent county bidder) shall have a one time opportunity to submit an offer to match the price(s) offered by the overall lowest responsive and responsible non-local bidder.
4. On competitive sealed bids over \$250,000, when a responsive and responsible non-local business submits the lowest bid, and the bid submitted by one (1) or more responsive and responsible adjacent county businesses is within one and one half percent (1.5%) of the price submitted by the non-local business, then the adjacent county business with the apparent lowest bid offer (i.e., the lowest adjacent county bidder) shall have a one time opportunity to submit an offer to match the price(s) offered by the overall lowest responsive and responsible non-local bidder.

In such instances, determination will first be made that the lowest non-local and lowest local bidder are in fact responsive and responsible bidders. Next, the lowest local bidder shall be invited, in writing, to submit a matching offer which shall be submitted in writing within five (5) business days thereafter. If the lowest local bidder submits an offer that matches or is lower than the lowest bid submitted, then award shall be made to the local business.

If the lowest local bidder declines to or is unable to match the lowest bid or is non-responsive within five (5) business days, then the option to de-select moves to the next responsive and responsible local bidder if such bidder is within the tolerance percentages as presented and similarly responsive and responsible. If the lowest local bidder declines and no other local bidders are within the tolerance percentages, then responsive adjacent county bidders within the tolerance percentages as presented will be given an opportunity to match the lowest bid submitted in the same manner as described above.

In the event if a local bidder is awarded a contract pursuant to this policy, any requests for change orders increasing the cost of the goods or services must be approved by the Board.

C. Request for Proposals (RFP)/Invitation to Negotiate (ITN) Qualifications (RFQ): Each RFP/ITN/RFQ in which specified criteria are used to evaluate the responses from vendors and point totals are assigned, the local preference will be applied as follows:

1. Leon County Local Business vendors will receive ten (10) additional points during evaluation.

2. Adjacent county vendors will receive five (5) additional points during evaluation.

D. Construction Services: Except where otherwise prohibited by federal or state law or other funding source restrictions, in the purchasing of, or letting of contracts for the procurement of construction services for improvements to real property or existing structures, limited to projects estimated to exceed \$250,000, the District may give preference to local business in the following manner:

1. For the purposes of competitive sealed bids based on price, in accordance with Section B above.

2. For the purposes of Request for Qualifications (RFQs), in accordance with Section E above.

LSBE: If a local vendor business also qualifies as a local small business enterprise (LSBE) as defined in Policy 6325, the District vendor preference to be awarded shall not exceed five percent (5%).

The local preference set forth in this policy shall not apply to any of the following purchases or contracts:

A. Goods or services provided under a cooperative purchasing agreement or interlocal agreement.

B. Contracts for professional services procured under procurement of which is subject to the Consultants Competitive Negotiation Act as defined in F.S. 287.055 or subject to any competitive consultant selection policy or procedure adopted or utilized by the Board.

C. Purchases or contracts that are funded, in whole or in part, by a government entity and the laws, regulations, or policies governing such funding prohibit the application of that preference.

D. Purchases made or contracts made under emergency or noncompetitive situations.

E. Sole source purchases.

F. Where the bid or proposal is nonresponsive.

G. Purchases that are otherwise exempt from the competitive procurement process and those purchases with respect to which the solicitation process may be waived/not required as defined in School Board Policy or State Board of Education rules or applicable State law.

Waiver: The application of local preference to a particular purchase, contract, or category of contracts requiring Board approval may be waived upon written recommendation of the Superintendent and approval of the Board.

The application of local preference to a particular purchase, contract, or category of contracts below the Board approved authority may be waived upon recommendation of the Superintendent.

The preferences established herein in no way prohibit the right of the Board's right to compare the quality of materials proposed for purchase and compare the qualifications, character, responsibility, and fitness of all persons, firms, or corporations submitting bids or proposals. Further, the preferences established herein in no way prohibit the Board from giving any other preference permitted by law instead of or in addition to the preference authorized herein. When all other factors are equivalent, it is the intent of the Board to acquire its goods and services from local small businesses. Leon County vendors in accordance with Policy 63275, Small Business Enterprise Development Program.

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