

CHAPTER 6.00 - PERSONNEL

Personnel Files

6.80

1. Definition. An employee's personnel file shall consist of all records, information, data, or materials maintained by the District in any form or retrieval system whatsoever, with respect to any employee which is specifically applicable to that employee.
2. Contents. A personnel file shall be maintained by the Superintendent on each employee. The record shall include:
 - a. Application for employment.
 - b. References.
 - c. Annual evaluations.
 - d. Disciplinary information.
 - e. Data substantiating placement on the salary schedule (including but not limited to education, official transcripts, experience).
 - f. Certifications.
 - g. Any other pertinent information.
3. Administration. Personnel files shall be administered pursuant to the provisions of Florida Statute 1012.31 and the rules of the Florida Board of Education.
4. Derogatory or Anonymous Material. Pursuant to Florida Statute 1012.31(1)(a), except for materials pertaining to work performance or such other matters that may be cause for discipline, suspension, or dismissal under laws of the State of Florida, no derogatory materials relating to an employee's conduct, service, character, or personality shall be placed in the personnel file of such employee.
 - a. Pursuant to Florida Statute 1012.31(3)(a)3., no derogatory material shall be open to public disclosure until 10 days after notice has been given to such employee under paragraph 5 below.
 - b. Pursuant to Florida Statute 1012.31(1)(b), no anonymous letter or anonymous materials shall be placed in the personnel file.
5. Materials Pertaining to Performance and Discipline. Pursuant to Florida Statute 1012.31(2)(a), materials relating to work performance, discipline,

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suspension, or dismissal must be reduced to writing and signed by a person competent to know the facts or make the judgment. The resignation or termination of an employee before an investigation of alleged misconduct by the employee affecting the health, safety, or welfare of a student is concluded must be clearly indicated in the employee's personnel file.

- a. Pursuant to Florida Statute 1012.31(2)(b)1., no such materials may be placed in a personnel file unless they have been reduced to writing within 45 days, exclusive of the summer vacation period, of the school system administration becoming aware of the facts reflected in the materials. Pursuant to Florida Statute 1012.31(2)(b)2., additional information related to such written materials previously placed in the file may be appended to such materials to clarify or amplify them as needed.
 - b. Pursuant to Florida Statute 1012.31(2)(c), a copy of such materials to be added to an employee's personnel file shall be provided to the employee either:
 - i. By certified mail, return receipt requested, to his or her address of record; or
 - ii. By personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.
6. Employee's Right to Respond. Pursuant to Florida Statute 1012.31(2)(d), an employee has the right to answer in writing any such materials filed in his or her personnel file, and the answer shall be attached to the file copy. An employee has the right to request that the District School Superintendent or the Superintendent's designee make an informal inquiry regarding material in the employee's personnel file which the employee believes to be false. The official who makes the inquiry shall append to the material a written report of his or her findings.
7. Employee's Inspection Rights. Pursuant to Florida Statute 1012.31(2)(e) - (f), upon request, an employee, or any person designated in writing by the employee, shall be permitted to examine the personnel file of such employee. The employee shall be permitted conveniently to reproduce any materials in the file, at a cost no greater than the fees prescribed in Florida Statute 119.07(4). The custodian shall maintain a record of those persons reviewing the file and the employee's request.

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8. Public Record. The personnel file of each employee is a public record pursuant to the provisions of Florida Statute 119.07 and other applicable laws, subject to the exceptions contained in Florida Statutes 119.071 and 1012.31, or otherwise provided by law, with the exception for pending disciplinary investigations pursuant to Florida Statute 1012.31(3)(a)1, and for performance evaluations for the period of time specified in Florida Statute 1012.31(3)(a)2.
9. Access. Notwithstanding other provisions of this rule, all aspects of each employee's personnel file shall be open to inspection at all times by School Board members, the Superintendent, the employee's supervisor, attorneys representing the District, and such other District employees who have a need to access a file as a part of their job description.
10. Law Enforcement. Notwithstanding other provisions of this rule, all aspects of each employee's personnel file shall be made available to law enforcement personnel in the conduct of a lawful criminal investigation.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 112.08(7), 1001.43, 1012.31, F.S.
34 CFR 99 (FERPA),
45 CFR 164 (HIPAA)

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