

6.90+ PERSONNEL FILES

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The term “personnel file,” as used in this policy with respect to any employee, shall mean all records, information, data, or materials uniquely applicable to that employee and maintained by the District in any form or retrieval system whatsoever.

(1) A personnel file shall be maintained by the Superintendent on each employee. The records shall include the following:

(a) Application for employment

(b) References

(c) Annual evaluations

(d) Letters of commendation, reprimand, etc.

(e) Data substantiating placement on the salary schedule (~~education~~education, ~~official~~official transcripts, experience, etc.)

(f) Teaching certificate, if applicable.

(g) Any other pertinent data.

(2) Except for materials pertaining to work performance or other matters that may be cause for discipline, suspension, or dismissal under laws of this state, no derogatory materials relating to an employee’s conduct, service, character, or personality shall be placed in the personnel file of such employee. No anonymous letter or anonymous materials shall be placed in the personnel file.

(3) Materials relating to work performance, discipline, suspension, or dismissal must be reduced to writing and signed by a person competent to know the facts or make the judgment.

(a) No such materials may be placed in a personnel file unless reduced to writing within forty-five (45) calendar days, exclusive of the summer vacation period, of the administration becoming aware of the facts reflected in the materials.

(b) Additional information related to such written materials previously placed in a file may be appended to such materials to clarify or amplify as needed. A copy of such materials to be added to an employee's personnel file shall be provided to the employee either by certified mail or personal delivery.

(c) The employee's signature on a copy of materials to be filed in the employee's personnel file signifies receipt and does not necessarily indicate agreement with its content. The employee will be afforded every right as outlined in Florida Statutes.

(4) Personnel file, regardless of their location in the school system, are open to inspection pursuant to Florida Statutes, except as follows:

(a) Any complaint of misconduct and any material relating to the investigation of a complaint against an employee shall be confidential until the conclusion of the preliminary investigation or until such time as the preliminary investigation ceases to be active as defined in Section 1012.31(3)(a)1, Florida Statutes. At the conclusion of the preliminary investigation, the District shall provide written notice to the employee who is the subject of the complaint, either personally or by mail, that the District has either:

(i) Concluded the investigation with a finding not to proceed with disciplinary action or file charges; or

(ii) Concluded the investigation with a finding to proceed with disciplinary action or file charges.

(b) Employee evaluations prepared pursuant to Florida, rules adopted by the State Board of Education, or a local School Board shall be confidential until the end of the school year immediately following the school year during which each evaluation is made. No evaluations prepared prior to July 1, 1983, shall be made public.

(c) No material derogatory to the employee shall be open to inspection until ten (10) calendar days after the employee has been notified pursuant to subsection (3)(b) of this policy.

(d) The payroll deduction records of the employee shall be confidential.

(e) Employee medical records, including medical claims, psychiatric and psychological records, shall be confidential. However, at any hearing relative to an employee's competency or performance, the hearing officer or panel

shall have access to such records.

(f) Any information in a report of injury or illness filed pursuant to Florida Statute that would identify an ill or injured employee shall be confidential.

(5) Notwithstanding other provisions of this policy, all aspects of each employee's personnel file shall be open to inspection at all times by School Board members, the Superintendent, and the principal or their respective designees in the exercise of their respective duties.

(6) Notwithstanding other provisions of this policy, 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.

LAWS IMPLEMENTED: 112.08(7), 119.071, 441.85(10), 1001.43, 1012.31, F.S.

34 cFR 99 (FERPA), 45 CFR 164 (HIPaA)

History: Adopted: 03/30/2004

Revision Date(s): _____

Formerly: 3.50