

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

- I. A personnel record shall be maintained by the Superintendent on each employee. The record shall include
  - A. Application for employment
  - B. References
  - C. Annual evaluations
  - D. Letters of commendation, reprimand, etc.
  - E. Data substantiating placement on the salary schedule (education, official transcripts, experience, etc.)
  - F. Teaching certificate, if applicable
  - G. Any other pertinent data.
- II. 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.
- III. 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 they have been reduced to writing within forty-five (45) 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 the 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 by 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 due process rights as outlined in Florida Statutes.
  - D. In cases of separation due to termination or resignation in lieu of termination, the person competent to know the facts or make the judgment on the separation shall execute and maintain an affidavit of separation, on the form adopted by the Department of Education, setting forth in detail the facts and reasons for such separation. The affidavit must expressly disclose when separation is due to a report of sexual misconduct with a student. The affidavit of separation must be executed under oath and constitutes an official statement within the purview of section 837.06. The affidavit of separation must include conspicuous language that intentional false execution of the affidavit constitutes a misdemeanor of the second degree.
- IV. Personnel files, regardless of their location in the school system, are open to inspection pursuant to Chapter 119, Florida Statutes, except as follows:
- A. Any complaint 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 Florida Statutes.
  - B. Employee evaluations prepared pursuant to Florida Statutes, 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) days after the employee has been notified pursuant to III.B of this rule.
  - 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; provided 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.
- G. Agency personnel information that is excluded under the provisions of 119.071, F.S.
- V. 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 and the principal or their respective designees, in the exercise of their respective duties.
- VI. 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:** 1001.43, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 112.08(7), 119.07, 119.071,

1001.43, 1008.24, 1012.31, F. S.

34 CFR 99 (FERPA), 45 CFR 164 (HIPAA)

**HISTORY:** **ADOPTED:** \_\_\_\_\_  
**REVISION DATE(S):** 12/13/2021  
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