

ARTICLE IX -- PERSONNEL FILES

Personnel Files Maintenance

A. Pursuant to Florida Statutes, Section 231.291, Personnel Files, public school system employee personnel files shall be maintained according to the following provisions:

1. Except for materials pertaining to work performance or such other matters that may be cause for discipline, suspension or dismissal under laws of this state, no derogatory materials relating to an employee's personal 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.

2. 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 45 calendar days, exclusive of the summer vacation period, of the school system 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:

- (1) By certified mail, return receipt requested, to his/her address of record; or

- (2) By personal delivery to the employee. 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 of and does not necessarily indicate agreement with its contents. If the employee does not sign, the signature of the supervisor and a witness to the refusal shall be obtained to acknowledge delivery to the employee.

- c. The employee shall have the right to answer, in writing; any such materials in a personnel file and the answer shall be attached to the file copy. The employee shall have the right to request that the Superintendent or his/her designee make an informal inquiry regarding material in his/her personnel file which the employee believes to be false.

The official making the inquiry shall append a written report of his/her findings to the material. Upon request, the employee, or any person designated in writing by the employee, shall be permitted to examine the personnel file. The employee shall be permitted conveniently to reproduce any materials in the file, at no cost or at a cost of no more than five cents per page and labor charges, if appropriate.

The custodian of the record shall maintain a record in the file of those persons reviewing the file each time it is reviewed.

3. Public school system employee personnel files are subject to the provisions of Florida Statutes, Chapter 119, and School Board Rules 6Gx13-3D-1.08 and 6Gx13-4-1.03, 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. If the preliminary investigation is concluded with the finding that there is no probable cause to proceed further and with no disciplinary action taken or charges filed, a statement to that effect signed by the responsible investigating official shall be attached to the complaint, and the complaint and all such materials shall be open thereafter to inspection pursuant to Chapter 119 and School Board Rules 6Gx13-3D-1.08 and 6Gx13-4-1.03. If the preliminary investigation is concluded with the finding that there is probable cause to proceed further or with disciplinary action taken or charges filed, the complaint and all such materials shall be open thereafter to inspection pursuant to Chapter 119 and School Board Rules 6Gx13-3D-1.08 and 6Gx13-4-1.03. If the preliminary investigation ceases to be active, the complaint and all such materials shall be open thereafter to inspection pursuant to Chapter 119 and School Board Rules 6Gx13-3D-1.08 and 6Gx13-4-1.03. For the purpose of this subsection, a preliminary investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding relating to probable cause is made within 60 calendar days after the complaint is made.
 - b. Employee evaluations prepared pursuant to Sections 231.17(3), 231.29, and 231.36, Florida Statutes, or rules adopted by the State Board of Education or a local School Board under the authority of said sections, shall be confidential and exempt from the provisions of Chapter 119.07(1) 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 pursuant to this Section.

- c. No material derogatory to the employee shall be open to inspection until 10 calendar days after the employee has been notified pursuant to paragraph (2)(c).
- d. The payroll deduction records of the employee shall be confidential and exempt from Chapter 119.07(1).
- e. Employee medical records, including psychiatric and psychological records, shall be confidential and exempt from Chapter 119.07(1); provided, however, at any hearing relative to an employee's competency or performance, the hearing officer or panel shall have access to such records.

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

Notwithstanding other provisions of this Section, all aspects of each employee's personnel file shall be made available to law enforcement personnel in the conduct of a lawful criminal investigation.

- B. The term "personnel file," as used in this Section, shall mean all records, information, data, or materials maintained by a public school system, in any form or retrieval system whatsoever, with respect to any of its employees, which is uniquely applicable to that employee, whether maintained in one or more locations.
- C. Worksite personnel files shall be established and maintained in conformity with provisions of Florida Statutes, Section 231.291 and School Board Rule 6Gx13-4-1.03.