

0131 - LEGISLATIVE/POLICYMAKING

The School Board is the policymaking body for the School District. After considering recommendations submitted by the Superintendent, the Board shall adopt bylaws and policies for the organization and operation of the Board and efficient operation and general improvement of the School District.

The term "rule" for purpose of this policy is defined in F.S. 120.52; it does not include "curricula by an educational unit". As used in this bylaw, the term "rule" and "policy" shall have the same definition. The development or prescription of curriculum by the Board is removed from the procedural requirements for policymaking.

F.S. 1001.41

The Board may determine policy matters governed by permissive law, but not on matters governed by mandatory law. No policy can be in conflict with the operative law of the State or with State Board of Education rules. Any provision of a collective bargaining agreement which is ratified by the Board and affects collective bargaining members shall prevail over any Board policy conflicting with the agreement during the term of the agreement.

Board adoption of policies or revisions to policies shall be pursuant to Florida statutes.

F.S. 120.536(1), 120.54

Policy Development

The Superintendent shall publish notice of the development of a proposed policy before providing notice of a proposed policy as required below. The notice of policy development shall indicate the subject area to be addressed by policy development; provide a short, plain explanation of the purpose and effect of the policy development; cite specific legal authority for the proposed policy; and state how a person may obtain or access, without cost, a copy of any preliminary draft, if available.

The Board may hold workshops for the purpose of policy development after publication of the notice of policy development. Any affected person may request in writing that the Board hold a workshop for policy development, and the Board will then hold such workshop unless it explains in writing why a workshop is unnecessary.

F.S. 120.54(2)

Adopting Policies

The Superintendent shall present any proposal relating to a policy amendment, the repeal of any policy, or the adoption of a new policy in writing to the Board including a written explanation of the proposal in accordance with Florida law.

- A. Notice of Proposed Policy: After the Board has determined that it will give due consideration to the proposal for adoption, amendment, or repeal of a policy, the Superintendent shall give immediate and proper written notice to the public pursuant to the provisions of Florida law. The notice shall include a brief and concise explanation of the proposed policy's purpose and effect, the estimate of economic impact to all individuals affected by the proposed new policy or revision of an existing policy, the legal authority for the Board's action, the location where the text of the proposed revision to current policy or new policy may be obtained or accessed, and the procedure for requesting a public hearing on the proposed policy.
- B. Hearings: Any person who is affected by a proposed policy, policy revision, or the repeal of a policy, may within twenty-one (21) days following notice of the proposal to adopt or repeal such policy, file a written request with the Board for a hearing on the proposed action.

The Board may also, on its own initiative, schedule a public hearing for any proposed policy adoption, revision, or repeal.

- C. Rulemaking Record: Any material pertinent to the issues under consideration submitted to the Board within twenty-one (21) days after the date of publication of the notice under paragraph B above or submitted to the Board between the date of publication of the notice and the end of the final public hearing shall be considered by the Board and made a part of the record of the rulemaking proceeding.
- D. Board Action: The Board's final vote to adopt, amend, or repeal a policy will occur no sooner than twenty-eight (28) days following publication of the published notice in paragraph A above.
- E. The Superintendent shall file immediately in his/her office a copy of any new policy, policy revision, or repealed policy adopted by the Board; policy handbooks and the Board's website shall be updated accordingly.
- F. All policies shall become effective upon adoption by the Board unless another time certain date is specified therein.

F.S. 120.54

Notices

All notices pertaining to policymaking shall be published:

- A. ~~() by publication in a newspaper qualified under F.S. Chapter 50, in the affected area or on a publicly accessible website as provided in F.S. 50.0311;~~

[DRAFTING NOTE: If there is no newspaper of general circulation in the District, select this option instead:]

~~() an announcement over at least one (1) radio station whose signal is received in the District a reasonable number of times daily during the seven (7) days preceding the date of such meeting, hearing, or workshop; or posting a notice at the courthouse door not less than seven (7) days before the public meeting, hearing, or workshop; or in a newspaper of general circulation in the District;~~

~~Internet publication for School District notices under F.S. 50.0211(1)(b) may be made on the website of any newspaper in the county to which the legal notice pertains.~~
 - B. by posting on the District's website not less than seven (7) days before the public meeting, hearing, or workshop; and
 - C. by mail to persons who have requested advance notice and to organizations representing persons affected by the policy; and,
 - D. by posting on the District's website and in appropriate places so that those particular classes of persons to whom the intended action is directed may be duly notified.

Incorporation by Reference

A policy may incorporate material by reference, but only as the material exists on the date the policy is adopted. For purposes of the policy, changes in material are not effective unless the policy is amended to incorporate the changes. Material incorporated by reference in a policy may not incorporate additional material by reference unless the policy specifically identifies the additional material. The reference in the policy to the material being incorporated must include a date or other designation so that the reader will know exactly what version of the material has been adopted and made part of the rule.

F.S. 120.54(1, i, 1)

A District policy that incorporates by specific reference another policy of the District automatically incorporates subsequent amendments to the referenced policy unless a contrary intent is clearly indicated in the referencing policy. Any notice of amendments to a policy that has been incorporated by specific

reference in other policies of the District must explain the effect of the amendments on the referencing policies.

F.S. 120.54(1, i, 2)

Material may not be incorporated into Board policies by reference unless:

- A. the material can be made available for free public access through electronic hyperlink from the Board's website listing the policy and making the reference; or,
- B. the District has determined that posting of the material on the internet for purposes of public examination and inspection would constitute a violation of Federal copyright law, in which case a statement to that effect, along with the addresses and locations of the District office at which the material is available for public inspection, is included in the notice required.

F.S. 120.54(1, i, 3, 17)

~~Challenge to Existing Policy~~

~~Any person substantially affected by an existing Board policy may petition the Division of Administrative Hearings, Florida Department of Administration, to conduct a hearing on the validity of a policy pursuant to Florida statutes. Any hearing examiner's decision which is adverse to the Board or to the person substantially affected may be judicially reviewed.~~

~~F.S. 120.56(1)~~

~~Challenge to Proposed Policy~~

~~Any person who is substantially affected by a proposed policy, policy revision, or the repeal of a policy may, within twenty-one (21) days following notice of intent to adopt or repeal such policy, file a written request with the Board seeking an administrative determination as to the validity of the proposed action.~~

~~F.S. 120.56(2)~~

Emergency Policies

The Board may determine that the public health, safety, or welfare is endangered and that immediate action is required to protect the public interest. When this occurs, the Board, at any meeting in which a quorum is present, may adopt emergency policies, without complying with the waiting period as provided above. The Superintendent shall properly record the effective date for any such emergency policy. Any emergency policy shall not be valid in excess of ninety (90) days from the adoption or effective date.

Public Input and Access to Policies

Any Board employee, citizen, or agency may submit a policy proposal to the Superintendent's office.

A copy of the compiled policies shall be available for inspection in the Superintendent's office. The Board policies shall also be accessible on the District's website.

F.S. 120