

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

SCHOOL BOARD RULES

2.06

The School Board has the authority to adopt rules under the authority of Chapter 120 Florida Statutes. The compiled Rules shall be maintained in a Rules Manual, the official copy of which shall be located in the Superintendent's office.

These rules may be amended, repealed, or a new rule adopted as hereinafter prescribed. The term "rule" is defined in Chapter 120, Florida Statutes; it does not include "curricula by an educational unit", thereby, removing the development or prescription of curriculum by a School Board from the procedural requirements established for rule making.

- (1) Unless an emergency exists, any proposal relating to a rule amendment, the repeal of any rule, or the adoption of a new rule shall be presented in writing to the School Board including a written explanation of the proposal.
 - (a) The Superintendent shall give immediate and proper written notice to the public pursuant to the provisions of Chapter 120, Florida Statutes, when the School Board has determined that it will give due consideration to the proposal for adoption, amendment, or repeal of a rule. The notice of a public hearing shall be advertised 28 days prior to the date of the hearing. The notice shall include a brief and concise explanation of the proposed rule's purpose and effect. As provided by law, the Notice may also include an estimate of economic impact to all individuals affected by the proposed rule or rule amendment, the specific legal authority for the School Board's action, and the location where the text of the proposed change may be obtained.
 - (b) Any person who is substantially affected by a proposed rule, rule amendment, or the repeal of a rule, may within twenty-one (21) days following notice of intent to adopt or repeal such rule, file a written request with the School Board seeking an administrative determination as to the validity of the proposed rule action.
 - (c) The Superintendent shall file immediately a copy of any new rule, rule amendment, or repeal of rule adopted by the School Board; in the official Rules Manual..
 - (d) Such rules shall become effective upon adoption by the School Board unless a time certain date is specified therein.

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- (2) Any person substantially affected by an existing School Board rule may petition the Division of Administrative Hearings, Florida Department of Administration, to conduct a hearing on the rule validity pursuant to Chapter 120, Florida Statutes. The decision of the Administrative Law Judge is subject to judicial review.
- (3) The School 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 School Board, at any meeting in which a quorum is present, may adopt emergency rules, without complying with the waiting period as provided in subsection (1) herein for public hearings and other similar requirements. The Superintendent shall properly record the effective date for any such emergency rule. Any emergency rule shall not be valid in excess of ninety (90) days from the adoption or effective date.
- (4) Any School Board employee, citizen, or agency may obtain information relating to the method for proposing a rule or may submit a rule proposal to the Superintendent's office.
- (5) Copies of the School Board rules shall be assigned to various positions within the District as determined by the Superintendent to insure all employees and the public have ready access to the rules. The Superintendent shall also establish a procedure to insure the Rules Manuals are kept current as rules are adopted, revised or repealed. Further, the Superintendent shall insure the Rules are available on the Internet.

STATUTORY AUTHORITY:

1001.41; 1001.42, F.S.

LAWS IMPLEMENTED:

120.52 - .72; 120.81; 1001.43, F.S.

HISTORY:

**ADOPTED: 08/18/98
REVISION DATE(S): 07/08/04
FORMERLY: BF**