

**BOARD POLICY/SCHOOL BOARD POLICY
PROCESS**

FILE: BG

TITLE: School Board Rules

POLICY:

The school board shall determine and adopt such rules as are deemed necessary for efficient operation and general improvement of the school system. These rules may be amended, repealed or a new rule adopted as hereinafter prescribed. The term "rule" is defined in Section 120.52(15), 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 rulemaking.

- (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 Section 120.54, 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 21 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, the estimate of economic impact to all individuals affected by the proposed rule or rule amendment, the specific legal authority to authorize 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 21 days following notice of intent to adopt, amend 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 formal adoption of policies shall be recorded in the minutes of the school board. Only those written statements so adopted and recorded shall be regarded as official school board policy.
 - (d) The superintendent shall file immediately a copy of any new rule, rule amendment or repeal of rule adopted by the school board. Policy handbooks shall be amended accordingly.
 - (e) Such rules shall become effective upon adoption by the school board unless a time certain date is specified therein.
- (2) 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 may adopt emergency rules at any meeting in which a quorum is present without complying with the waiting period as provided in subsection (1) herein for public hearings and other similar requirements.

- (a) The superintendent shall properly record the effective date for any such emergency rule. Any emergency rule shall not be valid in excess of 90 days from the adoption or effective date.
 - (b) The procedures prescribed in subsection (1) herein shall be followed at least 60 days prior to the expiration date of the emergency rule when the school board determines that an adopted emergency rule needs to become a permanent rule.
- (3) 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.
 - (4) A copy of the compiled rules shall be available for inspection in the superintendent's office, the principal's school office, the library of any school and the public library.
 - (5) Copies of the School Board Rules shall be assigned to various positions within the district as determined by the superintendent.
 - (a) A copy of any rule change shall be made available by the superintendent to each holder of the compilation. The holder shall be responsible for entering all changes immediately upon receipt.
 - (b) A copy of the School Board Rules shall be available to all instructional staff members either in the school library or in the professional library of each school. The school principal shall designate an instructional staff member to keep the compilation current.

LAWS IMPLEMENTED: Sections 120.52; 120.53; 120.54; 120.55(1)(a)2., (2), (3), Florida Statutes

ADOPTED: 11/17/08

**BOARD POLICY/SCHOOL BOARD POLICY
PROCESS (cont'd)**

FILE: BG

TITLE: Schedule for Legal Advertisements

POLICY:

- (1) The school board shall inform the general public of certain actions through legal advertisements (e.g., Notices of Public Hearing, Invitation to Bid). Items of interest to the public shall also be advertised.
- (2) Notification to all appropriate agencies and individuals to amend, adopt or repeal a school board rule shall be given 21 days prior to the date of intended school board action.

LAW IMPLEMENTED: Section 120.54, Florida Statutes

ADOPTED: 10/12/93

**BOARD POLICY/SCHOOL BOARD POLICY
PROCESS (cont'd)**

FILE: BG

TITLE: Policy Maintenance

POLICY:

The superintendent shall establish procedures for the maintenance of the Orange County School Board rules. These procedures shall address the manner by which new policies will be developed, classified, adopted and disseminated. The procedures shall be administered in accordance with the National Education Policy Network/National School Boards Association (NEPN/NSBA) policy classification system.

LAWS IMPLEMENTED: Section 1001.49; 1001.5 Florida Statutes

ADOPTED: 11/17/08

**BOARD POLICY/SCHOOL BOARD POLICY
PROCESS (cont'd)**

FILE: BG

TITLE: Policy Exemptions for Changes in Law

POLICY:

In the event that a law enacted subsequent to the adoption of any rule herein conflicts with all or part of such rule, or amends any statutory provision implemented as a part of any rule herein, the provisions of the law shall be controlling and the rule shall be deemed to be amended to the extent of the conflict or amendment.

LAWS IMPLEMENTED:

ADOPTED: 11/17/08