

## CHAPTER 2.00 -SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### SCHOOL BOARD RULES/POLICIES

2.23\*

As used in these rules, the term *rule* and *policy* shall have the same definition.

These rules may be amended, repealed, or a new rule adopted as hereinafter prescribed. The term *rule* is defined in 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.

- I. 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 an explanation of the proposal.
  - A. The Superintendent shall give immediate and proper written notice to the public pursuant to the provisions of 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 at least twenty eight (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, the 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 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, amend, or repeal such rule, file a written request with the School Board seeking a hearing on the proposed action.
  - C. The Superintendent shall file immediately in his/her office a copy of any new rule, rule amendment, or repeal of rule adopted by the School Board; policy handbooks shall be amended accordingly.
  - D. Such rules shall become effective upon adoption by the School Board unless a time certain date is specified therein.
- II. 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 Florida Statutes. Any hearing examiner’s decision which is adverse to the School Board may, upon the School Board’s appeal, be judicially reviewed. Any hearing examiner’s decision which is adverse to the person substantially affected may, upon that person’s appeal, be judicially reviewed.
- III. 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 section I. 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.

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- IV. 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.
- V. A copy of the compiled rules shall be available for inspection in the Superintendent's office, and on the School Board's website.
- VI. A School Board rule may be waived only to provide and implement overall goals and objectives of the School Board and to protect and preserve the health, safety, and welfare of the affected individual(s). Waiver of a School Board rule shall be addressed and a decision rendered regarding its waiver at a regular, special or emergency School Board meeting. A waiver of a School Board rule shall not render the policy void with respect to the continued implementation of the rule which is sought to be waived not to the application of said rule to said situations which may arise in the future.
- VII. Persons subject to regulation may petition the Board for a variation or waiver with regard to any policy. A public employee is not a person subject to regulation for the purpose of seeking a petition for a variance or waiver to a rule that affects that public employee in his or her capacity as a public employee. Except for request for emergency variances or waivers, within thirty (30) days after receipt of a petition for a variance or waiver, the Board shall review the petition and request submittal of all additional information that the Board is permitted by law to require. Within thirty (30) days after receipt of such additional information, the Board shall review it and may request only that information needed to clarify the additional information or to answer new questions raised by or directly related to the additional information. If the petitioner asserts that any request for additional information is not authorized by law or by policy of the Board, the Board shall proceed, at the petitioner's written request, to process the petition. The Board shall grant or deny a petition for variance or waiver within ninety (90) days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition.
- VIII. In cases where an appeal process has been developed for a specific policy, the appeal shall be made in accordance with that procedure.

**STATUTORY AUTHORITY:**

**1001.41(2), 1001.43(6), F.S.**

**LAW(S) IMPLEMENTED:**

**120.52 - .72, 1001.43(10), F.S.**

**HISTORY:**

**ADOPTED: 08/21/01**  
**REVISION DATE(S): 11/02/05, 12/10/18**  
**FORMERLY: 1.103**

**NOTES:**