

## SCHOOL BOARD POLICIES AND POLICY PROCESS

**FILE: BG**

**TITLE: School Board Policies**

**POLICY:**

Under the Florida Statutes, the School Board of Orange County, Florida (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 These “rules” may be amended, repealed, or a new rule adopted as hereinafter prescribed. Under Section 120.52(16), Florida Statutes, “rule” means “each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule.” The term “rule” 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. The Board’s “rules” are termed “policies” and the terms can be used interchangeably.

- (1) Traditional Policy Adoption. Unless an emergency exists, any proposal relating to a policy amendment, the repeal of any policy, or the adoption of a new policy shall be presented in writing to the Board including a written explanation of the proposal.
  - (a) The Superintendent, or designee, shall give immediate and proper written notice to the public pursuant to the provisions of Section 120.54, Florida Statutes, when the Board has determined that it will give due consideration to the proposal for adoption, amendment, or repeal of a policy. The notice of a public hearing shall be advertised at least twenty-one (21) days prior to the date of the hearing. 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 policy or policy amendment (if one is required), the full text of the proposed policy or amendment and a summary thereof, the specific legal authority for the proposed policy, and the location where the text of the proposed change may be obtained without cost.
  - (b) Any person who is substantially affected by a proposed policy, policy amendment, or the repeal of a policy may, within twenty-one (21) days following notice of intent to adopt, amend, or repeal such policy, file a written request with the Board seeking an administrative determination as to the validity of the proposed policy action.
  - (c) The formal adoption of policies shall be recorded in the minutes of the Board. Only those written statements so adopted and recorded shall be regarded as official Board policy.
  - (d) The Superintendent, or designee, shall file immediately a copy of any new policy, policy amendment, or repeal of policy adopted by

the Board. Policy handbooks shall be amended accordingly and posted to the district website.

- (e) Such policies shall become effective upon adoption by the Board unless a time certain date is specified therein.

(2) Emergency Policies.

- (a) 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 may adopt emergency policies 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.
- (b) The Superintendent, or designee, 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.
- (c) The procedures prescribed in subsection (1) herein shall be followed at least sixty (60) days prior to the expiration date of the emergency policy when the Board determines that an adopted emergency policy needs to become a permanent policy.

(3) Technical Changes to Policies.

- (a) Periodically, it may be deemed necessary to make technical corrections to policies that have already been adopted through the normal statutory procedures. These technical corrections may include consolidation of sections; transfer of sections; combining or dividing sections; renumbering subsections, sections, chapters, and titles; corrections or additions for grammatical or typographical errors; and/or alterations and omissions not affecting the construction or meaning of those sections, subsections, chapters, titles, or policies as a whole.
- (b) Should it be determined by the Board, the Superintendent, or designee to make such technical corrections, it may be accomplished by resolution as part of the consent agenda without going through the normal policy adoption procedure.

(4) Policy Proposals. Any Board employee, individual, or agency may obtain information relating to the method for proposing a policy or may submit a policy proposal to the Superintendent's office.

(5) Copies of Policies. A copy of the compiled policies, as updated, shall be available for inspection in the office of the Superintendent, or designee, and also maintained on the district's website.

**SPECIFIC AUTHORITY:** Sections 11.242; 120.52; 120.53; 120.54; and 120.55, Florida Statutes

**TITLE:** Schedule for Legal Advertisements

**POLICY:**

- (1) The 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 policy shall be given at least twenty-one (21) days prior to the date of intended Board action in accordance with the Florida Statutes.

**SPECIFIC AUTHORITY:** Section 120.54, Florida Statutes

**TITLE:** Policy Maintenance

**POLICY:**

The Superintendent, or designee, shall establish procedures for the maintenance of policies adopted by the Board. These procedures shall address the manner by which new policies will be developed, classified, adopted, and disseminated. The policies shall be organized, grouped together in related categories, and titled so that the overall content of each policy is transparent and clear.

**SPECIFIC AUTHORITY:** Sections 1001.49 and 1001.51, Florida Statutes

**TITLE:** Policy Exemptions for Changes in Law

**POLICY:**

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

**SPECIFIC AUTHORITY:** Chapter 1001 and Section 1008.32; Florida Statutes

**TITLE:** Staff Review of Policies

**POLICY:**

- (1) The Superintendent shall establish and maintain an orderly plan for preserving and making accessible the policies adopted by the Board and the administrative rules and regulations needed to put them into effect. All administrative, instructional, and non-instructional employees shall become familiar with the Board policies and such other procedures, regulations, memoranda, bulletins, and handbooks pertaining to their specific duties in the district.
- (2) Any person employed by the Board who willfully violates any Board policy shall be subject to dismissal or such lesser penalty as the Board may prescribe.
- (3) The Superintendent shall make a decision on the basis of the most nearly related provisions when cases are not clearly covered by these policies.

**SPECIFIC AUTHORITY:**

Sections 1001.49; 1001.51; 1006.08; 1006.21;  
1006.28; 1012.22; 1012.27; 1012.53, Florida Statutes

ADOPTED: 10/12/93

REVISED: 11/17/08; 08/09/2022