

FUNCTIONS

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Legislative

The Board is the policy making body for the District. After considering recommendations submitted by the Superintendent, the Board shall determine policies as deemed necessary for its governance and the governance of its employees and students on its grounds or premises by adopting bylaws and policies for the organization and operation of the Board and efficient operation and general improvement of the District.

F.S. 1001.41, 1001.43

Employees and the Rules

The policies of the Board are written to be consistent with the provisions of law pertinent to the activities of the employees of the Board. All school personnel must adhere to all Board policies.

1001.41, 1001.43

Adopting Policies

The policies and procedures of the Board may be amended or suspended by a majority vote of the Board at any meeting, provided that it is found that an immediate danger to the public health, safety, or welfare requires emergency action and that such action is in accordance with the specific requirements of Florida Statutes.

The adoption, modification, repeal, or suspension of a Board policy shall be recorded in the minutes of the Board. All policies shall be printed in the Board policy manual. 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.

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

These policies may be amended, repealed, or a new rule adopted as hereinafter prescribed.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 of prescription of curriculum by the Board from the procedural requirements established for policy making.

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 an explanation of the purpose and effect of the proposal; a brief summary of the proposed policy, unless the policy is brief and concise; the appropriate legal citation(s) for the policy; and the full text of the policy.

- A. The Superintendent shall give immediate and proper written notice to the public pursuant to the provisions of 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 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 revision of an existing policy, the legal authority for the Board’s action, and the location where the text of the proposed revision to current policy or new policy may be obtained.
- B. 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.

- C. 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 shall be amended accordingly.
- D. Such policies shall become effective upon adoption by the Board unless a time certain date is specified therein.

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 the policy pursuant to Florida Statutes. Any hearing examiner's decision which is adverse to the Board may, upon the 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.

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 in item "A" above for public hearings and similar requirements. The Board shall give public notice of its action within seven (7) days. 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.

Any Board employee, citizen, or agency may obtain information relating to the method for proposing a policy or may submit a policy proposal to the Superintendent's office.

Five (5) copies of the compiled policies shall be available in the Board office for public use and

reference. Provisions shall be made for an individual to have copies, in print, of all or portions of the bylaws, policies, and procedures. Copies shall be numbered and distribution records maintained.

The Board policies shall also be accessible to all school employees, students, parents, and constituents on the District's website, www.sbmcc.org.

F.S. Chap. 120, 1001.41, 1001.43

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Executive

The executive authority of the District is vested in the Superintendent.

The term of office of a Superintendent of Schools shall begin on the second Tuesday following the general election in which the Superintendent is elected.

The Superintendent shall enforce the rules of the State Board of Education, rules of the Florida Department of Education, and the policies of this Board.

The Superintendent shall prepare procedures for the administration of the District which are consistent with statutes, procedures of this State Board or policies of this Board.

Such administrative procedures shall be binding on the employees and the students of this District when issued.

The Superintendent shall cause to be distributed in print or electronic format to each school, school office, school library, and public library in the County, copies of the bylaws, policies, and regulations and copies of amendments thereto in sufficient quantity to be readily accessible to each regular employee and to the public. In lieu of the distribution of the complete bylaws, policies, and regulations, the Superintendent may prepare a

special edition for any specific cases of employees, omitting those bylaws, policies, and procedures which do not have a direct bearing upon the work of said class of employees, provided that any such special editions shall contain a clear statement indicating where the complete bylaws, policies, and procedures are available in print or electronic format. Additional copies of the bylaws, policies, and procedures may be distributed in print at the discretion of the Superintendent; however, copies shall be numbered and distribution records maintained.

The Superintendent shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board at the next meeting following such action.

The Superintendent, in cases of emergency, may suspend any part of these policies and/or procedures, provided that the Superintendent shall report the fact of and the reasons for such suspension at the next meeting of the Board and provided further that the suspension shall expire at the time of said report unless continued in effect by action of the Board.

The Superintendent shall be delegated the authority to enter into written contracts or agreements with other public or private organizations under the following conditions:

- A. Said contracts/agreement shall not conflict in any respect with Federal State, or local law or rules, or Board policy;
- B. Contracts/agreements shall be for a valid school purpose;
- C. All costs and expenses in connection with said contracts/agreements shall be paid from within the Board approved budget; and

- D. Said contracts/agreements shall be made in the name of the District, and shall be executed and delivered by the Superintendent in accordance with the administrative procedures promulgated by the Superintendent.

Section 5, Article IX, State Constitution
F.S. 1001.41, 1001.43, 1001.461, 1001.49, 1001.50,
1001.51

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Judicial

The Board may assume jurisdiction over any dispute or controversy arising within the District and concerning any matter in which authority has been vested in the Board by statute, rule, a contract, or policy of this Board. The Board shall adjudicate resolution of all matters of dispute within the school system including suspension, termination, promotion, and transfer of personnel. All such matters shall appear on the agenda in order to be adjudicated by the Board.

F.S. 1001.41, 1001.43

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Procedure for Hearings Before the School Board

Except as otherwise provided by statute, regulation or policy of the Board, hearings before the Board shall be conducted in accordance with the State of Florida Administration Commission's Model Rules of Procedure, F.A.C. 28-106.101 et seq.

A verbatim transcript by tape or other procedures as determined by the Board may be made of the entire hearing, and the record of the proceeding shall be entered as a part of the official minutes of the Board.

F.S. 1001.41, 1001.43

Effective Date: 07/01/05