

The School Board of Gadsden County

Bylaws & Policies

Unless a specific policy has been amended and the date of the policy was revised is noted at the bottom of that policy, the bylaws and policies of The School Board of Gadsden County were adopted on June 25, 2013, and were in effect beginning June 26, 2013.

0130 - FUNCTIONS

0131

Legislative

The School Board is the policy making body for the School 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 School District.

F.S. 1001.41

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.

F.S. 120.54(4)

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and 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. Any policy or part of a policy that is superseded by a term in a collective bargaining agreement shall no longer be in force and effect as a policy.

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

F.S. 120.536(1), 120.54 of the Administrative Procedure Act.

These policies may be amended, repealed, or a new policy adopted as hereinafter prescribed.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 Board from the procedural requirements established for policy making. As used in this document, the term "rule" and "policy" shall have the same definition.

A policy may incorporate material by reference, but only as the material exists on the date the policy is adopted. For purposes of the policy, changes in material are not effective unless the policy is amended to incorporate the changes. Material incorporated by reference in a policy may not incorporate additional material by reference unless the policy specifically identifies the additional material.

F.S. 120.54(1)(i)(1)

A School District policy that incorporates by specific reference another policy of the District automatically incorporates subsequent amendments to the referenced policy, unless a contrary intent is clearly indicated in the referencing policy. Any notice of amendments to a policy that has been incorporated by specific reference in other policies of the District must explain the effect of the amendments on the referencing policies.

F.S. 120.54(1)(i)(2)

In policies adopted after December 31, 2009, material may not be incorporated by reference unless:

- A. The material has been submitted in the prescribed electronic format to the Department of State and the full text of the material can be made available for free public access through electronic hyperlink from the policy in the Florida Administrative Code making the reference; or,
- B. the School District has determined that posting of the material on the internet for purposes of public examination and inspection would constitute a violation of Federal copyright law, in which case a statement to that effect, along with the addresses and locations of the Department of State and the School District at which the material is available for public inspection, is included in the notice required.

F.S. 120.54(1)(i)(3)

Unless an emergency exist, 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 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.

F.S. 11.242

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 that is adverse to the Board may, upon the Board's appeal, be judicially reviewed. Any hearing examiner's decision that 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 other similar requirements. 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.

A copy of the compiled policies shall be available for inspection in the Superintendent's office.

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

F.S. 120

0131.1

Technical Corrections

Periodically it may be deemed necessary to make technical corrections to

policies that have already been adopted through normal procedures. These technical corrections may include consolidation of sections, transfer of sections, combining or dividing sections, renumbering subsections, sections, chapters and titles, and corrections or additions for grammatical or typographical errors not affecting the constructions or meaning of those sections, subsections, chapters, titles, or policies as a whole.

Should the School Board choose 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.

F.S. 11.242

0132

Executive

As set forth in State law, the School Board has limited executive power, and exercises this executive power through the appointment of legal counsel.

The Superintendent shall be the executive officer of the Board, and, as such, shall advise and counsel with the Board on all educational matters and recommend to the Board such matters as should be acted upon.

F.S. 1001.46, 1001.461, 1001.50
Section 5, Article IX, State Constitution

The Superintendent shall cooperate with the Board in every manner practicable to the end that the School District may continuously be improved.

The Superintendent has the authority to prepare procedures for the administration of the District that are consistent with statutes, rules of the State Board, or policies of this Board.

F.S. 1001.49, 1001.51

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 class 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.

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. Contracts/Agreements shall be for a valid school purpose.
- B. All costs and expenses in connection with said contracts/agreements shall be paid from internal account funds.
- C. Said contracts/agreements shall not conflict in any respect with Federal, State, or local law or policy, or Board policy.
- D. Said contracts/agreements shall be made in the name of the Board, and shall be executed and delivered by the Superintendent in accordance with the administrative procedures promulgated by the Superintendent.

0133

Quasi-Judicial

The School 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, policy, a contract, or policy of this Board. The Board shall act as final appeal in the 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. 1012.22, 1012.34