

Related Entries: (Not identified at this time)

School Board Policies

The School Board of Lee County shall adopt policies which forward the District goals for academic achievement, quality and stewardship, are based on the District's Organizational Values and are in compliance with State and federal requirements.

The term "rule" and "policy" shall have the same definition when used in the operation of the School District of Lee County. Policies may be amended, repealed, or a new policy adopted as hereinafter prescribed.

- (1) 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 to the School Board in writing and shall include 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 shall give due consideration to the proposal for adoption, amendment, or repeal of a policy. The notice of a public hearing shall be advertised 28 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, 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 substantially affected by a proposed policy, policy amendment, or the repeal of a policy, may within 28 days following notice of intent to adopt or repeal such policy, file a written request with the School Board seeking an administrative determination as to the validity of the proposed policy action.
 - (c) Upon adoption, a copy of the new policy, policy amendment, or repeal of policy adopted by the School Board shall be filed in the Superintendent's Office. Policy handbooks shall be amended accordingly.
 - (d) Such policies shall become effective upon adoption by the School Board unless a time certain date is specified therein.
 - (e) An extraordinary vote of the Board (one more than a majority) shall be required to make exceptions, amendments or additions to or to delete adopted School Board Policies.

- 46 (2) Any person substantially affected by an existing School Board policy may petition
47 the Division of Administrative Hearings, Florida Department of Administration, to
48 conduct a hearing on the policy validity pursuant to Florida Statutes. Any hearing
49 examiner's decision which is adverse to the School Board may, upon the School
50 Board's appeal, be judicially reviewed. Any hearing examiner's decision, which is
51 adverse to the person substantially affected, may, upon that person's appeal, be
52 judicially reviewed.
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- 54 (3) The School Board may determine that the public health, safety, or welfare is
55 endangered and that immediate action is required to protect the public interest.
56 When this occurs, the School Board, at any meeting in which a quorum is present,
57 may adopt emergency policies, without complying with the waiting period as
58 provided in subsection (1) herein for public hearings and other similar requirements.
59 The Superintendent shall properly record the effective date for any such emergency
60 policy. Any emergency policy shall not be valid in excess of 90 days from the
61 adoption or effective date.
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- 63 (4) Any School Board employee, citizen, or agency may obtain information relating to
64 the method for proposing a policy by contacting the Communications Office and
65 may submit a policy proposal to the Superintendent's Office.
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- 67 (5) A copy of the compiled policies shall be available for inspection in the
68 Communications Office during normal working hours and on the District's web
69 server.
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- 71 (6) Copies of the School Board policies shall be provided to all schools and other
72 District facilities within the District as determined by the Superintendent. The
73 Superintendent shall make a copy of any policy change available to each holder of
74 the compilation who shall be responsible for entering all changes immediately upon
75 receipt.
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- 77 (7) Exceptions to a School Board policy will be made only to provide and implement
78 overall goals and objectives of the School District and to protect and preserve the
79 health, safety, and welfare of the affected individual(s).
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- 81 (a) Any citizen may appeal to the Board for a variation or waiver with regard to
82 any policy. The individual must establish that application of the policy would
83 cause a substantial hardship for a waiver to be considered.
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- 85 (b) The appeal process shall be that a written request shall be made to the
86 Superintendent who shall review the matter and present a recommendations
87 to address the request at the next regular School Board meeting to which the
88 item may be added as a part of the agenda. In cases where an appeal
89 process has been developed for a specific policy, the appeal shall be made
90 in accordance with that procedure.

91 (c) A request to make exception to a School Board policy shall be addressed
92 and a decision rendered at a regular, special or emergency School Board
93 meeting.

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95 (d) Providing an exception to a School Board policy shall not render the policy
96 void with respect to the continued implementation of the policy.

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99 **STATUTORY AUTHORITY:** 120.52, 120.54, 120.542, 120.55, 120.81, 120.81(1)
100 1001.41, 1001.42, 1001.43, F.S.

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102 Adopted: 2/27/07 (Formerly: Policy 1.34)
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