

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 Strategic Plan 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 Policies may be amended, repealed, or a new policy adopted as hereinafter prescribed.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 proper written notice to the public pursuant to the provisions of Florida Statutes, when presenting a recommendation to the School Board for adoption, amendment, or repeal of a policy. The Superintendent is delegated authority as agency head for the limited purpose of providing such notice. The notice of a public hearing shall be advertised at least 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) Each proposed policy adoption, repeal, or amendment shall be reviewed at a rule development workshop conducted during a School Board Briefing meeting. The workshop shall be conducted no earlier than 14 days after the notice required by Section (1)(a) and such notice shall include the date, time and location of the Briefing meeting at which the rule development workshop shall occur.
 - (c) The Superintendent shall ensure that relevant staff are available to address comments and questions at the Briefing meeting and Public Hearing at which the policy change will be reviewed.
 - (d) 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 and the District website shall be amended accordingly.

- (e) Such policies shall become effective upon adoption by the School Board unless a time certain date is specified therein.
- (f) 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.
- (g) A policy may incorporate material by reference, but only as the material exists on the date the policy is adopted. Changes in such referenced material must be accomplished through the rule adoption process of this policy. A policy that incorporates by specific reference another rule of the Board, automatically incorporates subsequent amendments to the referenced rule, unless a contrary intent is indicated in the referencing policy.
- (h) After the required notice has been accomplished, the proposed policy action may, upon direction of the Board, be withdrawn or revised. Technical changes which do not affect the substance of the policy may be made without notice. A notice of change must be published at least seven days before the public hearing and in the same manner as the original notice, if the change is substantive. The Board may also give direction to withdraw the proposed policy action process by publishing the required initial notice.
- (2) Any person substantially affected by an existing School Board policy may petition the Division of Administrative Hearings, to conduct a hearing on the policy validity pursuant to Florida Statutes. Any final order which is adverse to the person substantially affected, may, upon that person's appeal, be judicially reviewed.
- (3) 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 policies, without complying with the waiting period as provided in subsection (1) herein for public hearings and other similar requirements. Notice of the specific facts and reasons for finding an immediate danger to the public health, safety or welfare shall be published on the District website prior to the policy action. Notice of the proposed emergency policy action shall be provided when, and to the extent feasible. The Superintendent shall properly record the effective date for any such emergency policy. Any emergency policy shall not be valid in excess of 90 days from the adoption or effective date.
- (4) Any School Board employee, citizen, or agency may obtain information relating to the method for proposing a policy by contacting the Communications Office and may submit a policy proposal to the Superintendent's Office.
- (5) A copy of the compiled policies shall be available for inspection in the Communications Office during normal working hours and on the District's web site.

- (6) Copies of the School Board policies shall be provided to all schools and other District facilities within the District as determined by the Superintendent. The Superintendent shall make a copy of any policy change available to each holder of the compilation who shall be responsible for entering all changes immediately upon receipt.
- (7) Exceptions to a School Board policy will be made only to provide and implement overall goals and objectives of the School District and to protect and preserve the health, safety, and welfare of the affected individual(s).
- (a) Any citizen may appeal to the Board for a variation or waiver with regard to any policy. The individual must establish that application of the policy would cause a substantial hardship for a waiver to be considered or violate principals of fairness.
- (b) The appeal process shall be that a written request shall be made to the Superintendent who shall review the matter and present a recommendation to address the request at the next regular School Board meeting to which the item may be added as a part of the agenda. In cases where an appeal process has been developed for a specific policy, the appeal shall be made in accordance with that procedure.
- (c) A request to make exception to a School Board policy shall be addressed and a decision rendered at a regular, special or emergency School Board meeting.
- (d) Providing an exception to a School Board policy shall not render the policy void with respect to the continued implementation of the policy.
- (e) The School Board may make exceptions to a policy without a citizen appeal, as authorized by this policy.

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

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

Revised: 7/31/07

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