

# **SECTION I**

## **ORGANIZATION OF THE DISTRICT SCHOOL SYSTEM**

### **1.01 THE DISTRICT SCHOOL SYSTEM**

- A. The District School System shall include all public schools, classes and courses of instruction and all services and activities directly related to education in the district which are under the direction of the district school officials. The organizational structure for the district schools shall be: Elementary, grades PreK-6; Junior High, grades 7-8; High, grades 9-12; and Adult and Community Education.
- B. “The District School System shall be considered as a part of the state system of public education. All actions of district school officials shall be consistent and in harmony with state laws and rules and regulations, and minimum standards of the State Board. District school officials, however, shall have the authority to provide additional educational opportunities, as desired, which are authorized, but not required by law.”

(Ref. F.S. 1001.32)

### **1.02 THE DISTRICT SCHOOL BOARD**

- A. Responsibility and Authority
  - 1. The School Board is responsible for the organization and control of the public schools of the District and is empowered to determine the policies necessary for the operation and the general improvement of the school system. The School Board shall limit its actions to establishing policies and rules and to meeting the requirements prescribed by Florida Statutes and State Board of Education Rules. School Board members have authority only when the School Board is meeting in official session and a quorum is present. The School Board shall not be bound in any way by any action on the part of an individual School Board member or any employee, except when such statement or action is in compliance with the action of the School Board. School Board members may visit the schools and all departments of the District in order to be better informed concerning all phases of the school system.
  - 2. The role of the School Board, as with any legislative body, is to act collectively, not individually. The authority and responsibility of individual School Board members does not extend to the execution of the policies adopted by the School Board. Individual School Board members have no authority and shall not attempt to act as administrators of the school system.
  - 3. All personnel of the school system are responsible, through the Superintendent, to the School Board as an entity and not to individual School Board Members.
  - 4. The individual School Board member is entitled to full information and data necessary in his/her judgment to the proper casting of his/her vote on any matter which comes before the School Board for action. This right to full information extends to the duty to listen to complaints that citizens bring him/her. Any

complaint registered with a School Board member shall be conveyed to the Superintendent. If the complaint merits School Board action, it should be placed on the agenda for its regular or special meeting.

(Ref. F.S. 1001.41)

B. Membership of the School Board

The School Board of Clay County consists of five (5) members, each of whom shall be a qualified elector of the district in which he/she serves and each of whom shall be a resident of the residence area from which he/she is elected. Each School Board member shall be nominated and elected for a term of four (4) years by qualified electors of the entire district. Each member of the Board shall serve as the representative of the entire district rather than as the representative of the School Board member residence area.

(Ref. F.S. 1001.34, 1001.363)

C. Organization and Officers

1. A Chairman and a Vice-Chairman shall be elected annually by the Board at its organizational meeting held on the third Tuesday after the first Monday in November; provided, however, if a vacancy occurs in the chairmanship, the School Board shall elect a Chairman at the next regular or special meeting following the vacancy.
2. The Chairman shall preside at all School Board meetings, appoint committees, and perform such other duties as may be prescribed by law or by action of the School Board. The Vice Chairman shall preside in the absence of the Chairman and shall perform such other duties of the Chairman as required by circumstances. The Chairman and Vice Chairman shall be bonded in the manner prescribed by the State Board of Education. In the absence of the Chairman and Vice Chairman, a Chairman Protem shall be elected by a majority of the Board members present.
3. The Superintendent, as provided by law, shall be the Secretary and Executive Officer of the School Board. At any organizational meeting, the Superintendent shall act as Chairman until the organization of the School Board is completed. The Superintendent may request various personnel employed by the School Board to provide information and data relative to their work as may be required in the performance of the Superintendent's duties and responsibilities.

(Ref. F.S. 1001.32, 1001.371)

D. Legal Counsel

The School Board shall obtain an attorney, from outside its own membership, who shall act as legal advisor to the School Board and the Superintendent. The School Board shall provide a written contract for its attorney. Special counsel may be retained to assist the Board Attorney in any litigation or other matters when specifically approved by the School Board.

(Ref. F.S. 1001.41, 1012.22)

E. Board Meetings

1. Time of Meetings

- a. The regular meetings of the School Board shall be held on the third Thursday of each calendar month at 7:00 p.m. Future regular meeting dates may be changed by action of the School Board at any previous meeting; provided that each member is notified by letter or by distribution of the minutes showing a record of the change. When a meeting date is changed, the Superintendent shall take appropriate action to inform the public.
- b. Special meetings shall be held at the time designated by the Superintendent, School Board Chairman, or when called by a majority of the School Board members as specified in written notice.
- c. Workshop meetings may be called by the School Board Chair, the Superintendent or a majority of the Board members for the purpose of discussing matters which constitute the business of the school system and which provide the Board with knowledge on particular issues. The Board Chair, in collaboration with the Superintendent establishes the agenda for workshops. Each Board member shall be formally notified of such workshop sufficiently in advance of the session to enable all members to attend. The Board shall take no formal action at a workshop. The agenda and public notice requirements applicable for workshops are the same as those required for regular and special meetings. The Board shall allow questions only from the public at workshop meetings.
- d. All official meetings of the School Board shall be open to the public, except as provided under Section e, hereunder, and any other meetings or conferences shall be conducted as public meetings. Any citizen shall be given an opportunity to address the School Board during its regular meetings and special meetings and may ask questions only at workshop meetings.
- e. No formal action shall be taken by the School Board at any meeting other than a regular or special meeting. A School Board may not conduct business in a secret meeting. A secret meeting occurs when public officials meet at a time and place to avoid being seen or heard by the public and discuss official business. When at such meetings officials transact or agree to transact business at a future time in a certain manner, they violate the Government in the Sunshine Law, regardless of whether the meeting is formal or informal.
- f. Exceptions to the Sunshine Law – Pursuant to the Public Employees Collective Bargaining Act, Chapter 447, Florida Statutes, all discussions between the chief executive officer of the public employer, or his/her representative, and the legislative body or the public employer relative to collective bargaining are exempt from the Sunshine Law. However, pursuant

to 447.605 (2), collective bargaining negotiations between a chief executive officer, or his/her representative, and a bargaining agent are not exempt from the Sunshine Law. Also, certain hearings concerning exceptional students and all student disciplinary hearings are exempt from the Sunshine Law pursuant to the Privacy Act. Meetings between the School Board and its attorneys held pursuant to Florida Statute 286.011(8) shall be held out of the sunshine and are not open for public attendance.

2. Place of Meetings

All regular and special meetings of the School Board shall be in the Teacher In-service Center at Fleming Island High School, 2233 Village Square Parkway, Orange Park, except when the public interest is better served by holding the meeting elsewhere. When such a determination is made, the meeting shall be held at some other appropriate public place within the District as determined by the School Board; provided that due prior public notice of at least forty-eight (48) hours is given. When a School Board meeting is to be held at any place other than the Teacher In-service Center at Fleming Island High School, the Superintendent shall take such action as may be required to give due public notice as required by Florida Statutes. (Amended: 03/18/04)

3. Rules of Order

All School Board meetings shall be conducted in accordance with Robert's Rules of Order. The Chair shall be responsible for maintaining order and control of the meeting.

4. Agenda

The Superintendent shall establish the agenda for School Board meetings. ~~in consultation with the Board Chair. The Superintendent, Board members and School Board Attorney, when acting at the direction of the Superintendent, the Board Chairman or a Board member, may add items to the Agenda for Board action. The School Board Chair shall have the final authority to determine what shall or shall not be included on the published, or advertised agenda for any School Board meeting. This policy shall be interpreted broadly to include all agenda items at all School Board meetings and shall include but shall not be limited to decisions to include or exclude any item submitted under Policy 1.02(E)(9)(b). No agenda item submitted by a Board member may be removed from the agenda without that Board member's authorization.~~ Members of the public may submit agenda items to the Superintendent or any Board member to be considered for inclusion on the agenda. Any item to be considered for inclusion on the agenda of a regular School Board meeting shall be submitted to the Superintendent's Office not later than fourteen (14) days prior to the meeting at which consideration is desired. Such request shall be in writing. ~~Under exceptional circumstances, which should occur infrequently, Board members may submit agenda items, including the necessary backup materials, for inclusion on the agenda of a regular School Board meeting up to 12:00 noon two days before the day that the agenda will be posted. At least eight days p~~ Prior to each Board meeting and before the publication of the agenda the

Superintendent shall review the agenda, including all backup materials, with the Board Chair. The Superintendent and/or a School Board member may, with the approval of the School Board, introduce an emergency item not on the agenda. The agenda shall be posted for the public and others parties seven (7) days in advance of the meeting. After the Agenda has been posted, change shall be made only for good cause as determined by the person designated to preside, and the cause shall be stated in the record.

No action shall be taken by the School Board on any item unless the item is shown on the agenda or an amendment thereto and the backup material adequate for an informed decision is delivered to School Board members at least 48 hours prior to the meeting at which action is to be taken. This provision, shall not apply in cases in which the School Board determines by a separate vote, that an emergency, as defined in paragraph 1.02 (F) 2 of these rules, does exist.

This rule shall not preclude the right of any citizen to address the School Board in accordance with other Board policies.

(Amended: 05/18/95; 05/16/13)

5. Quorum

Three members shall constitute a quorum for any School Board meeting. No business shall be transacted unless a quorum is present, except a minority may adjourn the meeting until a quorum is present.

6. Voting

The vote shall be unanimous if all members audibly vote “yes” or otherwise indicate an affirmative vote. When split vote occurs, the minutes shall show the vote of each member on the question. Each member who is present shall vote on each decision, ruling, or official act which is taken or adopted by the School Board, unless there is or appears to be a conflict of interest under the provisions of Sections 112.311, 112.313, 112.3141, 112.3143 or 112.316, Florida Statutes. In such cases the member may abstain but shall comply with the disclosure requirements of Section 112.3144, Florida Statutes.

7. Minutes

The official minutes of the School Board shall be kept as prescribed by Florida Statutes. The minutes shall be kept in a safe place by the Superintendent and shall be made available to any person during normal business hours, in accordance with Florida Law.

The minutes of the School Board shall include an audio or audio/visual digital or tape recording of the proceedings made by the School Board. The official minutes of the School Board shall also be kept as written action or summary minutes to include: the date and time called to order, the time adjourned, the names of the members present, motions, resolutions, actions and votes. It shall be the duty of

each member of the School Board to see to it that both the matter and his or her vote thereon are properly recorded in the minutes. In the event that there is a technical malfunction in the preparation of audio or audio/visual recording of a meeting, that fact shall be noted in the written summary minutes and the summary minutes shall be the official minutes of that particular Board meeting. Any other matter may be made part of the official minutes by direction of the chairman or by a majority of the School Board.

All School Board meetings shall be video recorded with accompanying audio and a copy of the video recording shall be posted on the School District website as soon as practical after the meeting is concluded.

(Ref. F.S. 1001.41, 1001.42)(Amended: 05/15/08; 05/16/13)

## 8. Conduct at Meetings

All attendees and participants in the School Board meeting are expected to act and speak in a courteous, professional and respectful manner to each other. The public shall be informed that it is unlawful to knowingly disrupt or interfere with a School Board meeting or to advise, counsel or instruct students, individuals or School Board employees to disrupt a School Board meeting and that any such action may result in being charged with a misdemeanor offense or the second degree.

The presiding officer may order the removal, from a public meeting held by the School Board, of any person engaging in improper conduct interfering with the expeditious or orderly process of such meeting, provided such presiding officer has first issued a warning that continued interference with the orderly processes of the meeting will result in removal. Any law enforcement authority or a sergeant-at-arms designated by the presiding officer shall remove any person ordered removed.

There shall be a minimum of one (1) sheriff's deputy hired to provide security at each regularly scheduled school board meeting.

(Ref. F.S. 1001.372(1); 1001.42; 1001.51; 1001.372(2); 1001.37(3), Amended 11/20/12; 05/16/13)

## 9. Procedures for Citizen Participation

### a. Presentations from the Audience

A citizen who wishes to speak about a matter on the agenda shall, before the meeting begins or as soon as possible thereafter, using the speaker cards provided, submit in writing, his/her name, address, and name of organization or group represented, if any, and agenda item number(s). Those who are speaking on agenda items shall be permitted to do so before the Board takes action on the agenda item. At the conclusion of the agenda, a citizen may address the Board on items not on the agenda. Unless the School Board determines the item to be an emergency, action shall not be taken on any matter presented by an audience member until the item is

properly submitted and placed on the agenda of a future regular or special meeting. A time limit of three (3) minutes will be allowed unless the time is extended by the presiding officer. Speaker cards shall not be accepted after the Board begins the discussion agenda. Only the individual submitting the card is allowed to address the School Board for the allotted time. Speaking time may not be “yielded” or given by one speaker to another speaker.

~~Presenters/speakers shall confine their remarks to the agenda item or to other relevant education issues. Attacks on individuals, personally abusive comments, political speeches and comments not relevant to the business of the School Board shall not be allowed. Speakers who fail to follow this rule shall be ruled out of order by the Board chair. Any speaker continuing with such remarks shall be required to relinquish the lectern.~~

b. Scheduled Citizens’ Request

- 1) Any person or group desiring to address the School Board shall file with the Superintendent a written request to be placed on the agenda at least fourteen (14) days prior to a meeting. ~~Requests made pursuant to this section shall be limited to topics which are directly related to achieving the educational goals of the School District of Clay County, are of general interest to the education community and are not political in nature. The decision to allow or disallow the request shall be made on that basis.~~ Such request to make a scheduled citizens presentation shall contain the following:
  - a) Name and address of the person making the request.
  - b) The organization or group represented, if any.
  - c) ~~Details of the e~~ Content of the information to be presented. If written material is to be distributed, a copy of such material shall accompany the request, including a copy of any CD, DVD, A-V or PowerPoint presentation that will be presented to the Board.
  - d) The address provided by the requestor may be an email address, post office box or street address.
- 2) The Superintendent, ~~or his designee, after consulting with the Board Chairman~~ shall respond verbally or in writing to any person or group requesting placement on the agenda. If the agenda for the meeting is unduly long, the Superintendent ~~in consultation with the Board Chairman~~ may schedule the presentation request for the agenda of the next regular meeting. If a question should arise in regard to granting of a request, the Superintendent and the School Board Chairman shall confer and make a decision.
- 3) The Superintendent shall furnish an exact copy of the person or group’s request to each School Board member in time to permit the member to study the matter prior to the School Board meeting.

- 4) The Superintendent may promptly investigate the subject matter of the request and shall, if such an investigation is performed, furnish each School Board member a written report of his/her findings and recommendation in time to allow the School Board members to review the matter prior to the School Board Meeting.
- 5) No individual speaker presenting under this section shall be allotted more than ten (10) minutes at any School Board meeting. The Superintendent and members of the School Board may ask questions of and request further explanation from the speaker. The time used by the Superintendent and School Board members for questions and explanations shall not be counted against the time allotted to the speaker pursuant to this policy.
- 6) Any person or representative of an organization or group who has not made prior arrangements as prescribed herein may be heard, at the discretion of the School Board, at the end of the regular agenda of a School Board meeting, provided that the information in subsection (1) has been furnished to the Chairman in writing prior to or during the meeting.
- 7) No more than thirty (30) minutes of each School Board meeting shall be devoted to Scheduled Citizens Requests made pursuant to this section. Requests to make presentations pursuant to this subsection shall be considered on a first come first served basis.
- 8) Nothing contained in this subsection shall limit a person's right to make a three (3) minute presentation on any agenda or non-agenda topic pursuant to subsection 9(a).

(Ref. F.S. 1001.372(1); 1001.42; 1001.51; 1001.372; 1001.37(3). Revised; 05/16/13)

#### 10. Board Member Meeting Attendance by Electronic Media

Board members may participate in and vote at all regular, special or workshop meetings of the Board by the use of electronic media in those instances where the member is temporarily deployed, reassigned, activated or transferred by any branch of the United States military or the Florida National Guard for a period of longer than thirty (30) days. In the event that a Board member is confined to a hospital, nursing facility or to their residence due to illness or injury, or is required to be at such a facility or at home due to the illness or injury of a close family member, said Board member may participate in and vote at any regular, special or workshop meeting by the use of electronic media with minimal notice. Minimal notice is defined as sufficient notice to allow the implementation of a speaker phone at the meeting. Any other situations which cause a member to be absent from a meeting at which a member desires to attend by electronic media will be considered on a case by case basis. A request to attend by electronic media in all instances other than those necessitated by injury or illness must be presented to the Board no later than the meeting prior to the meeting which will be missed. The request will be granted

by the Board only when the absence is due to “extraordinary circumstance” and will required approval by the majority of the Board. In all instances, participation by electronic media will only be allowed if a quorum is physically present at the site where the meeting is actually being held.

(Ref. F.S. 1001.41)(Revised: 08/18/05, 10/19/06; 05/16/13)

## F. School Board Rules

These rules may be amended, repealed, or a new rule adopted as hereinafter prescribed and pursuant to The Administrative Procedure Act in Chapter 120, Florida Statutes. The definition of a rule is amended to exempt “curriculum by an educational unit,” thereby removing the development or prescription of curriculum by a School Board from the procedural requirements established for rule making.

### 1. Procedures for Adopting, Amending, or Repealing a Rule

- a. Unless an emergency exists, any proposal relating to an amendment to any rule, the repeal of any rule, or the adoption of a new rule shall be presented to the School Board at which time each School Board member shall receive a written copy of the proposal and a written explanation of the proposal.
- b. When the School Board has determined that it will give due consideration to the adoption of a rule which it proposes to adopt, repeal, or amend, the Superintendent shall give immediate and proper written notice to the public. 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 rule’s purpose and effect, the estimate of economic impact to all individuals affected by the proposed rule or rule amendment, the legal authority to authorize the School Board’s action, and the location where the text of the proposed change may be obtained.
- c. Any person, who is substantially affected by a proposed rule, rule amendment, or the repeal of a rule, may within twenty-one (21) days following notice of intent to adopt such rules, file a written request with the School Board seeking an administrative determination as to the validity of the proposed rule.
- d. If the proposed new rule, rule amendment, or repeal of a rule is adopted by the School Board, the Superintendent shall file a copy of such rule immediately in his/her office, and amend policy handbooks accordingly.
- e. Such rules shall become effective upon adoption by the School Board unless a later date is specified therein.
- f. All Board rules contained in the Board Policy Manual shall be reviewed by the Superintendent or his designee every two (2) years. The review shall be for the purpose of identifying and correcting deficiencies in Board rules, clarifying and simplifying rules, deleting obsolete or unnecessary rules, deleting redundant rules and ensuring the Board rules are correct and comply with statutory

~~requirements. This review shall take place during the last quarter of every odd numbered year beginning 2013. Drafts of individual Rules containing the proposed changes, additions and deletions shall be forwarded by the Superintendent to the School Board Attorney no later than the end of the first month of every even numbered year beginning in 2014. The School Board Attorney shall review and revise the changes to ensure clarity, simplicity and legality and make such changes as are deemed necessary to ensure that the Rule serves the purpose intended by the drafter/reviewer. After final review the School Board Attorney shall meet with the Board Chairman to review all revised Rules and to make arrangements for presentation to the full Board for consideration and adoption. The presentation to the full Board shall take place between April and September of each even numbered year, utilizing as many Board meetings and workshops as are necessary to adequately inform the Board.~~

- g. As used in the Section, and all sub-sections included therein, the use of the term “Rule(s)” shall be synonymous with the term “Policy(ies)”.

## 2. Emergency Rule

- a. When the School Board determines that the public health, safety, or welfare is endangered and that immediate action is required, the School Board at any meeting at which a quorum is present, may adopt, without complying with the waiting period as provided in subsection (1) herein, public hearings and similar requirements.
  - b. The Superintendent shall properly record the effective date for any such emergency rule. Any emergency rule shall not be valid in excess of ninety (90) days from the effective date.
  - c. When an emergency rule is adopted and the School Board determines that such rule shall be adopted as a permanent rule, the procedures prescribed in subsection (1) herein shall be followed at least sixty (60) days prior to the expiration date of the emergency rule.
- 3. Any employee of the School Board, citizen, or agency may obtain information relating to the method for proposing a rule or may submit a rule proposal to the Superintendent’s Office.
  - 4. A copy of all forms and instructions relating to and implementing rules of the School Board shall be made a part of the appendix of the School Board’s rules.
  - 5. A copy of the compiled rules shall be available for inspection at the Superintendent’s Office, the principal’s school office, in the library of any school, and the public library.
  - 6. A copy of any rule or a copy of the compiled rules of the School Board shall be made available for the purchase by the public at actual cost.

G. Directive, Procedures, and Administrative Manuals

1. The Superintendent shall have authority to issue such directives and to prescribe such procedures as may be necessary to carry out the purpose of School Board rules and policies and the provisions of law and State Board of Education Rules.
2. The Superintendent may issue such administrative manuals or booklets of instruction as he/she may deem necessary for the effective administration of the school system and distribute them to the employees directly concerned. In so far as the provisions of such manuals and directives are consistent with these rules or with officially adopted policies of the School Board, law, or State Board of Education Rules, the provisions thereof shall be binding upon all employees.

(Ref. F.S. Section 1001.41; 1001.51)

H. Participation in Organizational Activities

Each member of the School Board shall be reimbursed for participation in the activities and programs conducted by state, regional, and national associations of the School Board. The Superintendent shall include an amount in each proposed annual budget to cover expenses of participation in such activities by School Board members.

(Ref. F.S. 1001.39) (Adopted: 03/01/88)

I. Information Distribution to School Board Members

1. Whenever any administrator of the school district furnishes written information to any member of the school board, such information shall also be furnished to every other member of the school board.
2. Whenever written information is received by the administrative staff from Southern Association of Colleges and Schools (SACS) which identifies deficiencies from SACS standards in the school district or in a particular school in the district, such information shall be furnished to every member of the school board.
3. In every instance of a serious violation of the Code of Student Conduct that is racially related or involves the use of possession of a weapon, there shall be a written report thereof made and conveyed to each school board member.
4. The school board shall be notified of the result of any final order issued and furnished to the Superintendent by the Education Practices Commission adverse to any current or former employee of the school system.

(Ref. F.S. 1001.41; 1001.49)(Amended: 04/23/92)