

SECTION I
ORGANIZATION OF THE DISTRICT SCHOOL SYSTEM

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. 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 meetings in accordance with the procedures set forth in this Chapter. Citizens shall not be given an opportunity to address workshop meetings unless the School Board Chairman determines that citizen participation should be allowed.
- d. 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.
- e. 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 Inservice 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 Inservice 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.

4. Agenda

Any School Board member ~~or any member of the public~~ may place an action or discussion item on the agenda of a regular School Board meeting by submitting the item to the Superintendent's Office not later than 14 days prior to the meeting at which consideration is desired. Such request shall be in writing. Any member of the public may submit a discussion/non-action item to be considered for placement on the agenda of the regular School Board meeting by submitting the item in writing to the Superintendent's office not later than 14 days prior to the meeting at which consideration is desired. The Superintendent shall have the discretion to determine whether or not an item submitted by a member of the general public shall be included on the meeting agenda. The Superintendent and/or a School Board member may, with the approval of the School Board, introduce an emergency item not on the agenda. This rule shall not preclude the right of any citizen to address the School Board; however, the School Board shall not be obligated to act on any proposal not on the agenda prior to the next regular meeting. The agenda shall be posted for the public and others parties seven (7) days in advance of the meeting.

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 F2 of these rules, does exist.

(Amended: 05/18/95)

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.

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

8. Conduct at Meetings

The public shall be informed that it is unlawful to knowingly disrupt or interfere with a School Board meeting and that any such action may result in a misdemeanor offense or the second degree. This includes individuals who advise, counsel, or instruct students or School Board employees to disrupt a School Board meeting.

The presiding officer may order the removal, from a public meeting held by the School Board, of any person 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.

(Ref. F.S. 1001.372(1); 1001.42; 1001.51; 1001.372(2); 1001.37(3))

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, submit in writing, his name, address, and name of organization or group represented, if any, and agenda item number(s). 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 until the item is 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.

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 ten (10) days prior to a meeting. Such request 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~~ 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.
- 2) The Superintendent, or his designee, 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 shall 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 ~~shall~~ may promptly investigate the subject matter of the request and ~~shall~~ may 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 ~~subject~~ individual speaker shall be allotted more than ~~thirty ten (30)~~ ten (10) minutes at any School Board meeting. ~~Ten (10) minutes shall be allocated to the proponent of the request, ten (10) minutes shall be allocated to an opponent, if any, and, the remaining ten (10) minutes shall be for questions by the Superintendent and the School Board.~~
- 6) ~~Any person or representative of an organization or group which 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.~~

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. 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 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, 00/00/00)