

## CCSB Policy 1.02 - Discussion Agenda - 10/19/06 - Public Hearing

### 1.02 THE DISTRICT SCHOOL BOARD

#### 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.
- 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 are exempt from the Sunshine Law pursuant to the Privacy Act.

##### 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 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. 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 during the time the office is open to any citizen desiring to examine the minutes, in accordance with Florida Law.

Only motions, resolutions, and the necessary information related thereto, the name of the person making the motion or submitting the resolution, the name of the person who seconds the motion, and the vote or action thereon shall be recorded. If any School Board member or the Superintendent wishes any of his/her statements recorded, he/she may request that such become a part of the official minutes. Any other matter may be made part of the official minutes by direction of the chairman or by a majority of the School Board.

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) Content of the information to be presented. If written material is to be distributed, a copy of such material shall accompany the request.
- 2) The Superintendent 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 promptly investigate the subject matter of the request and shall 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 shall be allotted more than thirty (30) 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 require 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, 00/00/00)

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.

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.

(Ref. F.S. 1001.41)(Amended: 03/18/04)

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. Insofar 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, 00/00/00)