

## **RULE ADOPTION AND RULEMAKING**

The School Board, representing the people of Broward County, is the body, which determines all questions of general policy to be employed in the administration of the district schools. Such matters of general policy shall be expressed through rules, which must be in conformity with the federal and Florida constitutions, federal, and Florida laws, and the Florida State Board of Education's administrative rules.

The terms "policy" and "rule" shall have the same definition when used in the operation of the school district and both shall mean the term "rule" as defined in Section 120.52(16), Florida Statutes. The terms "policy" and "rule" shall not include curricula approved by The School Board and the development or prescription of curriculum by The School Board is not subject to the procedural requirements for rule adoption and rulemaking.

Each rule (policy) adopted shall contain only one (1) subject. Each rule (policy) adopted shall become effective upon adoption by The School Board unless a time certain date is specified therein.

All appropriate administrative procedures and guidelines for its implementation shall be incorporated by reference in the applicable rule (policy).

The following procedures shall govern the adoption, amendment and repeal of rules (policy) by The School Board. Any person regulated by The School Board or having a substantial interest in a School Board rule (policy) may petition The School Board to adopt, amend or repeal a rule (policy) as provided in Section 120.54(7), Florida Statutes.

### **1. RULE (POLICY) DEVELOPMENT AND PUBLICATION**

A. A proposal to adopt, amend or repeal a School Board rule (policy) may be proposed by a member of The School Board, the Superintendent of Schools, a school district employee, a citizen or an agency. Any person, other than District personnel, proposing rule (policy) development should contact the Office of the Chief of Staff and submit a rule (policy) proposal through that office. Except when the intended action is the repeal of a rule (policy), school District staff shall provide notice of the development of proposed rules (policies) in accordance with Section 120.549(2)(a), Florida Statutes.

B. The Superintendent's Senior Administrator (for their responsible areas) will coordinate staff-sponsored rule (policy) development through the Superintendent. Superintendent's Senior Administrators will be accountable for enforcing each rule (policy) assigned to their areas of responsibility. The Superintendent's Senior Administrators will be responsible for submitting rules (policies) concerning their respective departments and shall serve as gatekeeper for such rule (policies) throughout the rulemaking process. All rules (policies) shall contain the responsible Superintendent's Senior Administrator's title.

C. Each proposed rule (policy) shall be reviewed and discussed by the Superintendent's Senior Administrators and reviewed by the Office of the General Counsel prior to the conduct of any Public Rule Development Workshop (School Board Workshop) or public hearing upon the proposed rule (policy) or the publication of a notice of rule development, or rulemaking.

D. After review by the Superintendent's Senior Administrators and by the Office of the General Counsel, the proposed rule (policy) will be placed upon the agenda of an upcoming School Board Workshop for discussion.

E. After incorporating any changes resulting from the School Board Workshop, the proposed rule (policy) will be noticed for rule development and placed upon the agenda of a Public rule Development Workshop (School Board Workshop) and a subsequent Regular School Board meeting for final adoption.

F. The notice of rule development shall include the subject area to be addressed by rule (policy) development; provide a short, plain explanation of the purpose and effect of the proposed rule (policy); cite the specific legal authority for the proposed rule (policy); identify the school district's contact person regarding the rule (policy) development; and include a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft, if available. The notice of rule development will also indicate that two or more School Board Members will be present and participating during the Public Rule Development Workshop (School Board Workshop). Each School Board Member shall be provided a copy of the notice of rule development. Notice of the public rule development will also be provided to each district-wide advisory committee, representatives of the labor unions, and any other District group having an interest in the subject matter.

In addition to conventional media advertising, notice of public rule development will also be advertised on the District Web Site: [www.browardschoos.com](http://www.browardschoos.com); information on the website will indicate where the policy can be found.

G. The notice of public rule development shall also indicate the place, time and date for when a Public Rule Development Workshop will be conducted regarding the subject matter of the proposed rule (policy) in accordance with Section 120.54(2)(c), Florida Statutes. The Public Rule Development Workshop shall take place not less than fourteen (14) workdays after the publication of the Notice of Rule Development.

## **2. RULE (POLICY) ADOPTION AND PUBICATION**

A. Prior to adoption, amendment or repeal of any rule (policy) other than an emergency rule (policy), the Superintendent shall publish a "notice of proposed rulemaking."

B. The notice of proposed rulemaking shall provide notice of the intended action; a short, plain explanation of the purpose and effect of the proposed action; a statement of how a person may promptly obtain, without cost, a copy of the full text of the proposed rule (policy) or amendment; a summary of the full text of the proposed rule (policy) or amendment; a reference

to the Section or Subsections of the Florida Statutes, the Laws of Florida, or other authority being implemented, interpreted or made specific through the rule (policy). The notice of proposed rulemaking shall include an estimate of the economic impact to all individuals affected by the proposed rule (policy) or amendment. Except when the intended action is the repeal of a rule (policy), the notice of proposed rulemaking shall state the date on which and place where the notice of rule development appeared.

C. The Notice of Proposed Rulemaking shall also state the place, times and dates when The School Board will hold a Regular School Board Meeting and consider the rule (policy) for final adoption. The final adoption meeting shall be scheduled for a date at least twenty-eight (28) days after publication of the notice of proposed rulemaking. The notice of proposed rulemaking shall state the procedure for persons to request an opportunity to present evidence and argument on all issues under consideration. Any request to present evidence and argument must be received by the Office of the Chief of Staff within twenty-one (21) days after the date of the notice of proposed rulemaking. Any person wishing to submit material pertinent to the issues under consideration should deliver such materials to the Office of the Chief of Staff within twenty-one (21) days after the date of publication of the notice of proposed rulemaking.

### **3. PUBLIC HEARING AND RULE (POLICY) ADOPTION**

A. The School Board shall provide affected persons an opportunity to present evidence and argument regarding a proposed rule (policy) at the final adoption at a Regular School Board Meeting.

B. All School Board procedures, guidelines, and other such rules impacting the private interests of any person (employee/student) relating to the proposed rule (policy) will be presented to The School Board for approval at the final adoption at a Regular School Board Meeting. Once approved by The School Board, such procedures and guidelines will be posted on the school district's website.

C. The School Board shall vote on final adoption of the proposed rule (policy). At least fourteen (14) days after the final adoption vote on the proposed rule (policy), any rule (policy) approved without changes shall be filed with the Official School Board Records Office along with:

1. a certified copy of the proposed rule (policy);
2. a summary of the rule (policy);
3. a summary of the hearings held on the rule (policy); and
4. a detailed written statement of the facts and circumstances justifying the rule (policy)

D. In consideration of the final adoption, any changes to the rule (policy), other than technical changes that do not affect its substance, must be published in accordance with Section 120.54(3) (d), Florida Statutes. Each published "notice of change" shall also indicate the place, time and date when The School Board will hold another public hearing as a Regular School Board Meeting and consider the changed rule (policy) for final adoption. The additional public hearing

shall be scheduled for a date at least twenty-one (21) days after publication of the notice of change.

#### **4. EMERGENCY RULES (POLICIES)**

A. When The School Board determines that public health, safety or welfare is endangered and that immediate action is required to protect the public interest, The School Board may adopt such emergency rules (policies) at any meeting during which a quorum is present, without complying with the waiting periods, public hearings and other similar requirements as provided in this rule (policy). The Superintendent shall properly record the effective date for any emergency rule (policy).

B. Any emergency rule (policy) shall not be valid in excess of ninety (90) days from the adoption or effective date. When an emergency rule (policy) is adopted and The School Board determines that such a rule (policy) shall be adopted as a permanent rule (policy), the non-emergency rule (policy) adoption proceedings prescribed in this rule (policy) shall be followed at least sixty (60) days prior to the expiration date of the emergency rule (policy).

#### **5. VARIANCE OR WAIVER FROM RULES (POLICIES)**

A. Any citizen may appeal to The School Board for a variance or waiver with regard to any rule (policy) in accordance with Section 120.542, Florida Statutes. However, students are not eligible to petition for a variance or waiver with regard to any rule (policy) pursuant to Section 120.81(1) (k), Florida Statutes.

B. All requests for variance or waiver of a rule (policy) shall be submitted in the approved format. The request for a variance or waiver shall be filed with the Office of the Chief of Staff and will be reviewed and discussed by the Superintendent's Senior Administrators and the Office of the General Counsel. The Superintendent will present a recommendation to address the request at the next Regular School Board Meeting to which the request may be added as a part of the agenda. In case where a specific appeal or review process has been developed for a specific rule (policy), any such appeal or request for review shall be made in accordance with that prescribed procedure.

C. A request to make an exception to a School Board rule (policy) shall be addressed and a decision rendered at a regular, special or emergency School Board meeting.

D. The School Board's approval of a specific request for a variance or waiver of any School Board rule (policy) shall not impede the continued implementation of the rule (policy) or render the rule (policy) void.

#### **6. PUBLICATION**

The Superintendent of Schools is authorized to publish, when appropriate, any notices required by this rule (policy) or Section 120.54, Florida Statutes. In accordance with Section 120.81(1) (d), Florida Statutes, each notice shall be made:

- A. By publication in a newspaper of general circulation in the affected area;
- B. By mail to all persons who have made requests of the educational unit for advance notice of its proceedings and to organizations representing persons affected by the proposed rule (policy); and
- C. By posting in appropriate places so that those particular classes of persons to whom the intended action is directed may be duly notified.

## **7. (POLICY) RULE UPDATES**

All District rules (policies) must be reviewed and revised as often as necessary to ensure that they are correct and comply with statutory requirements. Additionally, the Superintendent's designee(s) shall conduct a formal review of all District rules in compliance with Section 20.74, Florida Statutes.

## **8. COPIES OF RULES (POLICY)**

All policies and rules of The School Board will be available for public inspection and copying at no more than actual cost through the Office of the Chief of Staff. A copy of the compiled rules (policies) shall be available for inspection at the Office of the Chief of Staff during normal working hours and on the school district's website.

AUTHORITY: Sections 1001.32(2); 1001.41(1), (2) and (3); 1001.42 and 01.43, Florida Statutes  
Policy Adopted: 5/1/80; 3/14/89 Amended Policy Adopted: 8/2/94, 5/3/11, Amended Policy Adopted 4/15/14