



POLICY NO. 1000

RULE DEVELOPMENT 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 APPLICABLE PROVISIONS OF THE FEDERAL AND FLORIDA CONSTITUTIONS, FEDERAL AND FLORIDA LAWS, AND THE FLORIDA STATE BOARD OF EDUCATION'S ADMINISTRATIVE RULES

THE FOLLOWING PROCEDURES SHALL GOVERN THE ADOPTION, AMENDMENT, AND REPEAL OF RULES (POLICIES) 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), FLA. STAT.

The terms "policy" and "rule" shall have the same definition when used in the operation of the school district and both shall have the meaning of the term "rule" as defined in Section 120.52(16), Fla. Stat. The terms "policy" and "rule" shall not include curricula approved by The School Board as 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 effective date is specified within the rule (policy).

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

1. RULE (POLICY) DEVELOPMENT

- 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, the public, or an agency. Any person, other than District personnel, proposing the initiation of 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), District staff shall provide notice of the development of proposed rules (policies) in accordance with its governing laws and rules including, without limitation, Section 120. Fla. Stat.

- B. Division/Department administrator(s) (for their responsible areas) will coordinate staff-sponsored rule (policy) development through the Superintendent and are accountable for enforcing each rule (policy) assigned to their areas, 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 Senior Administrator's title.
- C. Each proposed rule (policy) shall be reviewed and discussed by the Division/Department administrator(s) and reviewed by the Office of the General Counsel prior to the conduct of any Public Rule Development Workshop (School Board Workshop), public hearing upon the proposed rule (policy), the publication or posting of a Notice of Rule Development, or the publication or posting of a Notice of Rulemaking.
- D. After review by the Division/Department administrator(s) 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 and a Notice of Rule Development will be published or posted in accordance with applicable laws and rules.
- E. After incorporating any changes resulting from the School Board Workshop, the proposed rule (policy) will be noticed for final adoption at a subsequent School Board meeting. At the discretion of the Board, through the Chair, a second Public Rule Development Workshop may be requested in cases where additional rule review is warranted.
- 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 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, when available. The Notice of Rule Development will also state that two (2) or more School Board Members will be present and participating during the Rule Development Workshop (School Board Workshop). The Notice of Rule Development will also state that if any person decides to appeal any decision made by The School Board with respect to any matter considered during the Rule Development Workshop (School Board Workshop), that person will need a record of the proceedings and, for that purpose, may need to ensure that a verbatim record of the proceedings is made. Each School Board Member shall be provided a copy of the Notice of Rule Development. A copy of each Notice of Rule Development will also be provided to each District-wide advisory committee, to representatives of the labor unions, and any other District group having an interest in the subject matter.

Each Notice of Rule Development will be published or posted in accordance with applicable laws and rules and shall also be posted on the District Website: www.browardschools.com. Information on the website will indicate where the policy (rule) can be found.

- G. The Notice of Rule Development shall also indicate the place, time, and date upon which a Rule Development Workshop (School Board Workshop) will be conducted regarding the subject matter of the proposed rule (policy) in accordance with Section 120.54(2)(c), Fla. Stat. The Rule Development Workshop shall take place not less than fourteen (14) calendar days after the publication or posting of the Notice of Rule Development.

2. RULE (POLICY) ADOPTION

- A. Prior to adoption, amendment, or repeal of any rule (policy) other than an emergency rule (policy), the Superintendent shall publish or post a “Notice of Proposed Rulemaking” in accordance with applicable laws and rules.
- 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 and place at which the Notice of Rule Development was published or posted.
- C. The Notice of Proposed Rulemaking shall also state the place, times, and dates when The School Board will hold a 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) calendar 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) calendar days after the date of publication or posting 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) calendar days after the date of publication or posting of the Notice of Proposed Rulemaking.

3. PUBLIC HEARING AND RULE (POLICY) ADOPTION

- A. The School Board shall provide affected persons with an opportunity to present evidence and argument regarding a proposed rule (policy) at the School Board Meeting at which the rule (policy) is being considered for final adoption.
- 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 final adoption at a School Board Meeting. Once approved by The School Board, such procedures and guidelines will be posted on the District's website.
- C. The School Board shall vote on final adoption of the proposed rule (policy). At least fourteen (14) calendar days after the final adoption vote on the proposed rule (policy), any rule (policy) that was approved without changes by The School Board shall be filed with the Official School Board Records Office along with:
 - a. a certified copy of the proposed rule (policy);
 - b. a summary of the rule (policy);
 - c. a summary of the hearings held on the rule (policy); and
 - d. a detailed written statement of the facts and circumstances justifying the rule (policy).
- D. Any changes to the rule (policy) made by The School Board at the noticed School Board Meeting for its final adoption, other than technical changes that do not materially affect the substance of the rule (policy), will require publication or posting of an additional Notice of Proposed Rulemaking 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 during a 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) calendar days after publication of the additional Notice of Proposed Rulemaking.

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 Board 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 more than ninety (90) calendar

days from its 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 commenced at least sixty (60) calendar days prior to the expiration date of the emergency rule (policy).

5. VARIANCE OR WAIVER FROM RULES (POLICIES)

- A. Any member of the public (other than students) may appeal to The School Board for a variance or waiver with regard to any rule (policy) in accordance with Section 120.542, Fla. Stat. Students are ineligible to petition for a variance or waiver regarding 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, Division/Department Administrators, and the Office of the General Counsel. The Superintendent will present a recommendation upon the request for consideration at the next School Board Meeting. If a specific appeal or review process has been developed for a specific rule (policy), any such appeal or request shall be submitted for review 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 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 or post as permitted by applicable laws and rules, when appropriate, any notices required by this rule (policy) or by Section 120.54, Fla. Stat. In accordance with Section 120.81(1)(d), Fla. Stat., each notice shall be made:

- A. By publication in a newspaper of general circulation in the affected area or by posting through any alternative means authorized by applicable laws and rules.
- 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 classes of persons to whom the intended action is directed may be duly notified.

7. (POLICY) RULE UPDATES

Each rule (policy) must be reviewed and/or revised within five (5) years of the policy's last review to ensure that it continues to be relevant regarding the needs of the District and comply with current requirements of The School Board's governing laws and rules. Additionally, the Superintendent's designee(s) shall conduct a formal review of all District rules in compliance with Section 120.74, Fla. Stat.

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.

Policy Custodian: Office of the Chief of Staff

Former Policy Number: 1001

Policy Status [Active/Inactive]: Active

Authority: Sections 1001.32(2); 1001.41(1), (2) and (3); 1001.42 and 1001.43, 120.52, 120.54; 120.74, 120.81, 286.0105, Florida Statutes

[Case Law (if applicable)]: N/A

History: Policy Adopted: 5/1/80; 3/14/89 Amended Policy Adopted: 8/2/94, 5/3/11, Amended Policy Adopted 4/15/14; Revised 9/13/2022