

SUMMARY EXPLANATION AND BACKGROUND

Background: As part of the work General Counsel's Office is doing on the School Board's Policies, a policy was being developed that identified the current policies in which the School Board had delegated authority to the Superintendent. In addition, staff were analyzing other issues that perhaps the Board would consider to delegate to the Superintendent.

Executive Summary: Upon the first Executive Order from the Governor and guidance from the Florida Department of Education, as well as following the news from around the country, the staff in the General Counsel's Office began to discuss action steps the Board could/should take to ensure the continuation of the essential operation of the District in these uncertain times. Anticipating the closures of schools and possible shelter-in-place orders, the General Counsel drafted this policy anticipating the worst-case scenario.

During a declared emergency, it is imperative the District has the ability to continue response and recovery actions in an effort to stabilize and continue essential operations. In a declared emergency efforts to maintain the established governance model are frequently hampered due to a variety of factors. These factors include, but are not limited to, the availability of Board Members, the availability of essential staff, lack of access to facilities and resources, power outages, availability of essential materials and supplies during the declared emergency, business continuity challenges of approved business partners, impacts to traditional communication methods, and emergency orders issued by local, state, and federal government.

Initially, the Florida Commissioner of Education had indicated in response to the COVID-19 pandemic that district board meetings would be suspended through June 30, 2020, except in emergency situations. Although the Governor relaxed this directive and telephonic Board meetings are now allowed without a quorum physically present, it is anticipated there will still be challenges with conducting routine Board meetings. Social distancing and shelter-in-place requirements will have an adverse impact on the ability to provide Board Members with meeting materials in the customary format, the ability of staff to be in attendance to respond to questions, the ability for the public to participate in the usual format, and the District to be flexible to react to the seemingly daily challenges presented from the pandemic in an effective and efficient manner. It is for these reasons this emergency policy is being recommended to provide limited additional authority to the Superintendent of Schools during a declared emergency. This additional authority is limited to the specific scope included within the policy and will expire with the expiration of the declared emergency. The policy focuses on authority needed to continue the essential functions of the District during this emergency situation and to allow the Superintendent to work with our community partners in responding to the current situation, however it is not all inclusive. The policy limits the Superintendent's authority, namely in areas of personnel and finance, and identifies which specific functions will still come before the School Board approval.

Encompassed in the Florida Statute on adopting an emergency rule, is the requirement that the rule shall not be effective for a period longer than 90 days and shall not be renewable, except when the agency has initiated rulemaking to adopt rules addressing the subject of the emergency rule. Therefore, the General Counsel's office in conjunction with the Superintendent's cabinet will promptly continue to develop a policy that identifies current policies in which the School Board has delegated authority to the Superintendent and analyze other issues that perhaps the Board would consider delegating to the Superintendent.