

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 ~~other person, other than District personnel,~~ proposing rule (policy) development should contact the ~~Public Relations and Governmental Affairs 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 120.54(2)(a), Florida Statutes, by publication of a “Notice of Public Rule Development Workshop.”~~

B. ~~The Superintendent’s Senior Administrator (for their responsible areas) will submit-coordinate staff-sponsored rule (policy) drafts-development in writing-to through the Superintendent-using designated forms.~~ 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

**Comment [JM1]:** This change is clarify that all policy recommendations should be coordinated through the Office of the Chief of Staff.

**Comment [JM2]:** There is no longer a Public Relations and Governmental Affairs Office. This change is to designate the Office of the Chief of Staff as the primary contact for coordinating all revisions to policy.

**Comment [JM3]:** The current policy makes reference to various Notices and can be confusing. This change is intended to set the notice requirements in accordance with Florida Statutes and then reference the notice requirement in a generic fashion throughout the remainder of the policy.

**Comment [JM4]:** This change clarifies the current process for senior staff to present policy changes through the Superintendent.

submitting rules (policies) concerning their respective departments and shall serve as gatekeeper for such rules (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 ~~School Board Attorney's Office of the General Counsel~~ prior to the conduct of any ~~School Board Workshop, Public Rule Development Workshop (School Board Workshop)~~ or public hearing upon the proposed rule (policy) or the publication of a ~~Notice of Rule Development, a Notice of Proposed or Rulemaking, or a Notice of Change.~~

**Comment [JM5]:** This change is to update the department name.

**Comment [JM6]:** This change is to clarify that the Public Rule Development Workshop and the School Board Workshop are in fact the same thing.

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

**Comment [JM7]:** This change is being recommended to ensure the notice of rule development or rulemaking is referenced in a generic fashion (See Comment [JM3]).

~~D.~~ After ~~incorporating any changes resulting from the School Board Workshop~~ review by the Superintendent's Senior Administrators and by the ~~School Board Attorney's Office~~, the proposed rule (policy) will be ~~noticed for rule development and placed upon the agenda of a School Board Workshop for review and discussion. Any recommended revisions identified during the School Board Workshop will be made to the proposed rule (policy) by district staff and the School Board Attorney's Office and placed upon an agenda for a Public Rule Development Workshop (School Board Workshop) and a subsequent Regular School Board Workshop Meeting for final adoption.~~

**Comment [JM8]:** This additional Board Workshop is being added to the rule adoption process as a result of the 6/26/13 Board Workshop discussion on the amendments to this policy. It creates an opportunity for the Board members to comment on the proposed changes prior to initiating the formal rule amendment process.

**Comment [JM9]:** This change is to update the department name (See Comment [JM5]).

~~E.~~ Appropriate staff member(s) will draft and review the proposed rule (policy) prior to the Public Rule Development Workshop. Any proposed changes in procedural guidelines necessitated by a proposed rule (policy) change must be scheduled for review by appropriate staff prior to publication of the Notice of Public Rule Development Workshop.

**Comment [JM10]:** This change is being recommended to streamline the current rule adoption process from a 5-step process to a 3-step process, as discussed at the 6/26/13 Board Workshop.

~~F.~~ Any recommended revisions identified during the Public Rule Development Workshop will be made to the proposed rule (policy) by district staff prior to the publication of a Notice of Rule Development. If the proposed rule (policy) or a proposed revision to it was sponsored by an individual School Board Member, district staff will meet with that School Board Member for input in the preparation of a revised draft of the proposed rule (policy).

~~G.~~ Each rule (policy) proposed by The School Board, the Superintendent of Schools, or a school district employee, may be looped through advisory committees as required prior to publication of a Notice of Rule Development. If the advisory committees recommend any revisions to the proposed rule (policy), such changes will be submitted to appropriate staff for inclusion in the proposed rule, prior to a subsequent School Board Workshop.

**Comment [JM11]:** Rules E, F, and G are being eliminated consistent with the streamlining of the rule adoption process from a 5-step process to a 3-step process, as discussed at the 6/26/13 Board Workshop.

**Comment [JM12]:** This change is to re-sequence the rules consistent with rules eliminated.

~~H.~~ 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

**Comment [JM13]:** This change is being recommended to ensure the notice of rule development is referenced in a generic fashion (See Comment [JM3]).

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 ~~N~~notice of ~~R~~rule ~~D~~development will also indicate that two or more School Board Members ~~may 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 ~~N~~notice of ~~R~~rule ~~D~~development. ~~If a proposed rule (policy) has been sponsored by a School Board Member, the time and date for the Public Rule Development Workshop shall be coordinated with that School Board Member's office. Copies of the~~ Notice of ~~the Public R~~rule ~~D~~development ~~Workshop~~ 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 of the proposed rule.

**Comment [JM14]:** This change is being recommended to ensure the notice of rule development is referenced in a generic fashion (See Comment [JM3]).

**Comment [JM15]:** This change is to clarify that the Public Rule Development Workshop and the School Board Workshop are in fact the same thing.

**Comment [JM16]:** This change is being recommended to ensure the notice of rule development is referenced in a generic fashion (See Comment [JM3]).

**Comment [JM17]:** This change is being recommended to ensure the notice of rule development is referenced in a generic fashion (See Comment [JM3]).

**Comment [JM18]:** This change is being recommended to ensure the notice of rule development is referenced in a generic fashion (See Comment [JM3]).

**Comment [JM19]:** This change is being recommended to ensure the notice of rule development is referenced in a generic fashion (See Comment [JM3]).

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

~~I.G~~ The ~~N~~notice of ~~R~~rule ~~D~~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 days after publication of the Notice of Rule Development.

~~J.~~ The Superintendent's designee will conduct the Public Rule Development Workshop. The Senior Administrator for the responsible area affected by the proposed rule (policy) and district staff responsible for preparing the proposed rule (policy) will be available at the Public Rule Development Workshop to explain the proposed rule (policy) and to respond to questions or comments regarding the rule (policy) being developed.

~~K.~~ Any recommended revisions identified during the Public Rule Development Workshop will be made to the proposed rule (policy) by district staff and the School Board Attorney's Office and placed upon an agenda for a subsequent School Board Workshop prior to issuance of a Notice of Proposed Rulemaking.

**Comment [JM20]:** Rules J and K are being eliminated consistent with the streamlining of the rule adoption process from a 5-step process to a 3-step process, as discussed at the 6/26/13 Board Workshop.

## 2. ~~PROPOSED~~ RULE (POLICY) ~~ADOPTION AND~~ PUBLICATION

A. ~~After the Public Rule Development Workshop and p~~Prior to adoption, amendment or repeal of any rule (policy) other than an emergency rule (policy), the Superintendent shall publish a ~~"N~~notice of ~~P~~proposed ~~R~~rulemaking~~."~~

**Comment [JM21]:** This change is being recommended to ensure the notice proposed of rulemaking is referenced in a generic fashion (See Comment [JM3]).

B. The ~~N~~notice of ~~P~~proposed ~~R~~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 ~~N~~notice of ~~P~~proposed ~~R~~rulemaking shall

**Comment [JM22]:** This change, as well as the other changes in Rule 2B are being recommended to ensure the notices of rulemaking and rule development are referenced in a generic fashion (See Comment [JM3]).

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 ~~N~~notice of ~~P~~proposed ~~R~~rulemaking shall state the date on which and place where the ~~N~~notice of ~~R~~rule ~~D~~development appeared.

C. The ~~N~~notice of ~~P~~proposed ~~R~~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 ~~first final reading adoption~~ meeting shall be scheduled for a date at least twenty-eight (28) days after publication of the ~~N~~notice of ~~P~~proposed ~~R~~rulemaking. The ~~N~~notice of ~~P~~proposed ~~R~~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 ~~Public Relations and Governmental Affairs Office of the Chief of Staff~~ within twenty-one (21) days after the date of publication of the ~~N~~notice of ~~P~~proposed ~~R~~rulemaking. Any person wishing to submit material pertinent to the issues under consideration should deliver such materials to the ~~Public Relations and Governmental Affairs Office of the Chief of Staff~~ within twenty-one (21) days after the date of publication of the ~~N~~notice of ~~P~~proposed ~~R~~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 ~~first reading final adoption~~ at a Regular School Board Meeting.

B. All School Board procedures, ~~and~~ 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 ~~second reading 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. ~~After the second reading,~~ The School Board shall vote on final adoption of the proposed rule (policy). At least fourteen (14) days after the ~~second reading~~ (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 ~~"N~~notice of ~~C~~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

**Comment [JM23]:** This change is being recommended to ensure the notice of proposed rulemaking is referenced in a generic fashion (See Comment [JM3]).

**Comment [JM24]:** This change is consistent with the recommendation to streamline the current rule adoption process from a 5-step process to a 3-step process, as discussed at the 6/26/13 Board Workshop.

**Comment [JM25]:** This change is being recommended to ensure the notice of proposed rulemaking is referenced in a generic fashion (See Comment [JM3]).

**Comment [JM26]:** This change is being recommended to ensure the notice of proposed rulemaking is referenced in a generic fashion (See Comment [JM3]).

**Comment [JM27]:** There is no longer a Public Relations and Governmental Affairs Office. This change is to designate the Office of Chief of Staff as the primary contact for coordinating all revisions to policy.

**Comment [JM28]:** This change is being recommended to ensure the notice of proposed rulemaking is referenced in a generic fashion (See Comment [JM3]).

**Comment [JM29]:** There is no longer a Public Relations and Governmental Affairs Office. This change is to designate the Office of Chief of Staff as the primary contact for coordinating all revisions to policy.

**Comment [JM30]:** This change is being recommended to ensure the notice of proposed rulemaking is referenced in a generic fashion (See Comment [JM3]).

**Comment [JM31]:** This change, as well as those in Rule 3B and 3C, is consistent with the recommendation to streamline the current rule adoption process from a 5-step process to a 3-step process, as discussed at the 6/26/13 Board Workshop.

**Comment [JM32]:** This change, as well as the other change in Rule 3D, is being recommended to ensure the notices of change are referenced in a generic fashion (See Comment [JM3]).

(policy) for final adoption. The additional public hearing shall be scheduled for a date at least twenty-one (21) days after publication of the ~~N~~notice of ~~C~~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 ~~Public Relations and Governmental Affairs~~ Office of the Chief of Staff and will be reviewed and discussed by the Superintendent's Senior Administrators and the ~~School Board Attorney's 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.

**Comment [JM33]:** There is no longer a Public Relations and Governmental Affairs Office. This change is to designate the Office of Chief of Staff as the primary contact for coordinating all revisions to policy.

**Comment [JM34]:** This change is to update the department name (See Comment [JM5]).

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 of Rule Development, Notice of Proposed Rulemaking and Notice of Change~~ 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.

**Comment [JM35]:** This change is being recommended to ensure all notices are referenced in a generic fashion (See Comment [JM3]).

#### 7. (POLICY) RULE UPDATES

All district rules (policies) must be reviewed ~~annually by the Superintendent's senior administrator responsible for the specific rule (policy) to determine if updates are required 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 120.74, Florida Statutes. If required, annual rule (policy) updates shall be submitted to The School Board expeditiously. Any rules (policies) that require early approval, because of state law or legislative changes will come forward as soon as practical. The Superintendent shall transmit an annual report to The School Board not later than the second quarter of each fiscal year containing a list of all other School Board rules (policies) that need to be reviewed, but require no updates. The annual review of rules (policies) should include, but not be limited to, the following:~~

**Comment [JM36]:** The changes to Rule 7 are being recommended in order to align all policy update and reporting requirements with Florida Statutes

- A. ~~Federal and Florida laws and Florida State Board of Education Administrative Rules;~~
- B. ~~Organizational chart changes;~~
- C. ~~Items recommended by at least three (3) School Board Members;~~
- D. ~~Audit Committee Recommendations;~~
- E. ~~Superintendent's Senior Administrators' recommendations;~~
- F. ~~Grants language/requirement changes (local, private, state, federal);~~
- G. ~~District strategic plans; and~~
- H. ~~Other changes as required.~~

#### 8. ~~GOVERNING STATUTES~~

~~All Florida Statutes referred to within any rule (policy) adopted by The School Board shall be automatically amended to reflect any subsequent amendments made to the cited statute.~~

**98. 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 ~~Public Relations and Governmental Affairs Office of the Chief of Staff~~. A copy of the compiled rules (policies) shall be available for inspection at the ~~Public Relations and Governmental Affairs 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 1001.43, Florida Statutes.

Policy Adopted: 5/1/80; 3/14/89                      Amended Policy Adopted: 8/2/94, 5/3/11

**Comment [JM37]:** There is no longer a Public Relations and Governmental Affairs Office. This change is to designate the Office of Chief of Staff as the primary contact for coordinating all revisions to policy.