

Bylaws

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POWERS, **BOARDMANSHIP**, AND ETHICS

0121 **Responsibilities and Authority of the Board**

The Board is responsible for the organization and control of the public schools of the District and is empowered to determine the policies necessary for the effective operation and the general improvement of the school system. The Board is constituted by the Florida Constitution and Florida statutes.

5.4(6), Article IX, Florida Constitution
F.S. 1001.40

0122 **Board Powers**

The Board shall be a body corporate, and, as such, capable of suing and being sued; contracting and being contracted with; acquiring, holding, possessing, and disposing of real and personal property; taking and holding in trust for the use and benefit of the District, any grant or devise of land and any donation or bequest of money or other personal property.

F.S. 1001.41, 1001.42, 1001.43

As prescribed by law, the general powers of the Board are the determination of educational policies; the adoption of such rules and regulations to supplement those prescribed by the State Board as will contribute to the more orderly and efficient operation of the school system; the determination of minimum standards; and the performance of any duties that are assigned to it by law or by State Board rules and that are found by it to be necessary for the improvement of the school system in carrying out the purposes and objectives of the Florida Constitution and Florida statutes.

The Board shall perform all duties found in Florida statutes and shall provide educational opportunity as required by Florida statutes.

F.S. 1000.41, 1001.42

0122.1 **Member Powers**

Board members as individuals do not separately possess the powers that reside in the Board. Board members shall have authority only when acting as a Board legally in session. The Board shall not be bound in any way by any statement or action on the part of any individual Board member, except when such statement or action is pursuant to specific official instructions of the Board.

0123 ~~Code of Ethics for School Board Members~~ Standards for Boardmanship

A. Observe the regulations and policies of the school system and all laws, rules, and regulations governing education;

B. Recognize that individual Board members have no authority to act on behalf of the District or the Board, and that the Board functions only as a Board through duly adopted policies and actions approved at public sessions;

C. Respect the decisions of the Board;

D. Recognize the Superintendent's statutory power and duty to direct the work of staff, and refer all project requests to the Superintendent for appropriate disposition;

E. Represent the entire community without fear or favor.

The NSBA Board endorses the following code for local school Board members. As a member of my local School Board I will strive to improve public education, and to that end I will:

~~A. remember always that my first and greatest concern must be the educational welfare of all students attending the public schools;~~

~~B. observe the regulations and policies of the school system and all laws, rules, and regulations governing education;~~

CA. attend all regularly scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;

DB. recognize that I should endeavor to make policy decisions only after full discussion at publicly held Board meetings;

EC. render all decisions based on the available facts and my independent judgment, in a fair and impartial manner;

~~F. recognize that individual Board members have no authority to act on behalf of the District or the Board, and that the Board functions only as a Board through duly adopted policies and actions approved at public sessions;~~

~~G. respect the decisions of the Board;~~

HD. encourage the free expression by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community;

1 | ~~E.~~ work with other Board members to establish effective Board
2 | policies and to delegate authority for the administration of the
3 | schools to the Superintendent;

4 | ~~F.~~ communicate to other Board members and the Superintendent
5 | expressions of public reaction to Board policies and school
6 | programs, and refer all employees and citizen complaints to the
7 | Superintendent to ensure appropriate and timely disposition in
8 | accordance with Board policy;

9 | ~~K. recognize the Superintendent's statutory power and duty to~~
10 | ~~direct the work of staff, and refer all project requests to the~~
11 | ~~Superintendent for appropriate disposition;~~

12 | G. inform myself about current educational issues by individual
13 | study and through participation in programs providing needed
14 | information, such as those sponsored by my State and National
15 | School Boards Association;

16 | ~~H.~~ support the employment of those persons best qualified to serve
17 | as school staff, and insist on a regular and impartial evaluation
18 | of all staff;

19 | ~~I.~~ avoid conflicts of interest or the appearance thereof and refrain
20 | from using the Board position for personal or political benefit or
21 | the benefit of family members or business associates;

22 | ~~J.~~ take no private action that will compromise the Board or
23 | administration, and respect the confidentiality of information
24 | that is privileged under applicable law; and

25 | ~~O. represent the entire community without fear or favor.~~

26 | K. remember always that my first and greatest concern must be the
27 | educational welfare of all students attending the public schools;

28 | ~~National School Board Association~~

29 | Pursuant to F.S. 1001.42(7), a Board member may not knowingly sign
30 | and transmit to any State official a report of alleged misconduct by
31 | instructional personnel or school administrators which affects the
32 | health, safety, or welfare of a student which the Board member knows
33 | to be false or incorrect. Violation of this provision will result in the
34 | forfeit of the Board members' salary for one (1) year.

35 | Adopted 7/17/07

36 | Revised

1 **0124 Standards of Ethical Conduct**

2 The School Board hereby establishes the principles enumerated in the
3 *Principles of Professional Conduct of the Education Profession in Florida*
4 as the District's standards of ethical conduct and requires all Board
5 members to adhere to them. Furthermore, pursuant to F.S.
6 1001.42(7), a Board member may not knowingly sign and transmit to
7 any State official a report of alleged misconduct by instructional
8 personnel or school administrators which affects the health, safety, or
9 welfare of a student which the Board member knows to be false or
10 incorrect. Violation of this provision will result in the forfeit of the
11 Board member's salary for one (1) year.

12 Adopted

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15 F.S. 112.313; 1001.42(6), (7); 1012.23
16 F.A.C. 6B-1.001, 6B-1.006
17 SB 1712, Ch.2008-108, L.O.F.

FUNCTIONS

0131 **Legislative**

The Board is the policy making body for the School District of Alachua County. The Board believes that, in general, it is the primary duty of the Board to establish policies and that of the Superintendent to administer such policies. The Superintendent will recommend to the Board all policies to be adopted, amended, or repealed. When the Board requests a policy change, the Superintendent will develop a recommendation.

After considering recommendations submitted by the Superintendent, the Board shall determine policies as deemed necessary for its governance and the governance of its employees and students on its grounds or premises.

F.S. 1001.41

Any provision of a collective bargaining agreement which is ratified by the Board and affects collective bargaining members shall prevail over any Board rule conflicting with the agreement during the term of the agreement.

Adopting Policies

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be published in the Board policy manual. The Board may determine policy matters governed by permissive law, but not on matters governed by mandatory law. No policy can be in conflict with the operative law of the State or with State Board of Education rules.

These policies may be amended, repealed, or a new rule adopted as hereinafter prescribed. The term "rule" is defined in Florida statutes; it does not include "curricula by an educational unit", thereby, removing the development or prescription of curriculum by a Board from the procedural requirements established for policy making.

[A rule may incorporate material by reference, but only as the material exists on the date the rule is adopted. For purposes of the rule, changes in material are not effective unless the rule is amended to incorporate the changes. Material incorporated by reference in a rule may not incorporate additional material by reference unless the rule specifically identifies the additional material.](#)

[F.S. 120.54\(1\)\(i\)\(1\)](#)

A Board rule that incorporates by specific reference another rule of the Board automatically incorporates subsequent amendments to the referenced rule, unless a contrary intent is clearly indicated in the referencing rule. Any notice of amendments to a rule that has been incorporated by specific reference in other rules of the Board must explain the effect of the amendments on the referencing rules.

(F.S. 120.54(1)(j)(1))

Unless an emergency exists, any proposal relating to a policy amendment, the repeal of any policy, or the adoption of a new policy shall be presented in writing to the Board including a written explanation of the proposal.

Board adoption of policies or revisions to policies shall be pursuant to Florida statutes and the following process:

A. Rule Development

The Board will provide notice of the development of proposed rules, and may hold workshops for purposes of rule development.

B. Rule Adoption

Any proposed new rule or alterations, additions, or deletions to existing rules shall be official policy only after having been considered by the Board at two (2) different, regularly scheduled Board meetings.

1. First Reading

At the first reading, the Board will review, study, discuss, amend or delete, and approve the edited first reading for advertising. Public input shall be permitted. The Board may schedule a public hearing on the proposed rulemaking.

2. Notice

The Superintendent shall give prompt written notice of the intended action to the public, pursuant to the provisions of F.S. Chapter 120. The notice shall include a brief and concise explanation of the proposed rule's purpose and effect, the specific legal authority for the Board's action, the location where the text of the proposed change may be obtained and the manner in which a hearing may be requested.

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3. Rulemaking Record

Any material pertinent to the issues under consideration submitted to the Board within twenty-one (21) days after publication of the notice or submitted at a public hearing will be considered by the Board and made a part of the record.

4. Public Hearing

A public hearing on the proposed rulemaking will be held if any affected person so requests in writing within twenty-one (21) days after publication of the notice of intended action. Requests shall be directed to the Office of the Superintendent, 620 Each University Avenue, Gainesville, Florida 32601. At any public hearing, public comments will be received and considered.

5. Second Reading

At the second reading, the Board may amend the draft, based on the rulemaking record in accordance with item "B.3." above. Public comments will not be received at the second reading. The Board may, in its discretion, defer final action and re-open the rulemaking record for further public input.

6. Administrative Determination - Proposed Rule

Any person who is substantially affected by proposed rulemaking may seek an administrative determination as to the validity of the proposed rule action in accordance with F.S. Chapter 120.

7. New Rule/Amendment

The Superintendent shall file immediately in his/her office a copy of any new rule, rule amendment, or repeal of rule adopted by the Board; the policy website and handbooks shall be amended accordingly.

8. Effective Date

Such rules shall become effective upon adoption by the Board unless a time certain date is specified therein.

1 0131.2 **Variances and Waivers**

2 The School Board, by majority vote, may grant variances and waivers
3 to requirements of its rules, pursuant to F.S. 120.542 and the
4 Uniform Rules of Procedure, F.A.C. Chapter 28-104. The purpose of a
5 variance or waiver is to avoid unreasonable, unfair, or unintended
6 results in particular instances.

7 Variances and waivers will be granted when the person subject to the
8 rule demonstrates that the purpose of the underlying statute will be
9 or has been achieved by other means by the person and when
10 application of the rule would create a substantial hardship or would
11 violate principles of fairness. "Substantial hardship" means a
12 demonstrated economic, technological, legal, or other type of hardship
13 to the person requesting the variance or waiver. "Principles of
14 fairness" are violated when the literal application of a rule affects a
15 particular person in a manner significantly different from the way it
16 affects other similarly situated persons who are subject to the rule.

17 Except for policies which specifically provide otherwise, the following
18 procedure shall be followed:

19 A. The petition for variance or waiver should be filed in the office of
20 the Superintendent.

21 B. The Superintendent shall publish notice of the petition within
22 fifteen (15) days after receipt. Any interested person or other
23 agency may submit written comments on the petition within
24 fourteen (14) days after publication.

25 C. Within thirty (30) days after receipt of the petition, the Board
26 will review the petition and may request submittal of additional
27 information.

28 D. The Board will grant or deny the petition for variance or waiver
29 within ninety (90) days after receipt of the original petition, of
30 the last item of timely requested additional material, or of the
31 petitioner's written request to finish processing the petition.

32 F.S. 120.569, 120.57

1 0132

Executive

2 The School Board shall exercise its executive power by the
3 appointment of a Superintendent of Schools, hereinafter referred to as
4 "Superintendent", who shall serve as the chief executive and ex officio
5 secretary of the Board.

6 F.S. 1001.461, 1001.48, 1001.50
7 Section 5, Article IX, State Constitution

8 The Superintendent shall, in all matters, cooperate with the Board.

9 The Superintendent shall enforce the rules of the State Board of
10 Education and the policies of this Board.

11 The Superintendent shall prepare procedures for the administration of
12 the District in accordance with Policy **1030.01**, *Development of*
13 *Administrative Procedures*.

14 F.S. 1001.49, 1001.51

15 Such administrative procedures shall be binding on the employees
16 and the students of this District when issued.

17 The Superintendent is delegated the authority to take necessary
18 action in circumstances not provided for in Board policy, provided
19 that such action is not inconsistent with current law and reported to
20 the Board at the next meeting following such action.

21 The Superintendent is delegated the authority to enter into written
22 contracts or agreements with other public or private organizations
23 under the following conditions:

24 A. Contracts/Agreements are for a valid school purpose.

25 B. All costs and expenses in connection with said
26 contracts/agreements are less than \$25,000.00.

27 C. Said contracts/agreements shall not conflict in any respect with
28 Federal, State, or local law or rule, or Board rule.

29 D. Said contracts/agreements shall be made in the name of the
30 Board, and shall be executed and delivered by the
31 Superintendent in accordance with the administrative
32 procedures promulgated by the Superintendent.

1 0133 **Quasi-Judicial**

2 The School Board may assume jurisdiction over any dispute or
3 controversy arising within the District and concerning any matter in
4 which authority has been vested in the Board by statute, rule, a
5 contract, or policy of this Board. The Board shall act as final appeal in
6 the resolution of all matters of dispute within the school system
7 including suspension, termination, promotion, and transfer of
8 personnel, subject to applicable law and regulation and the terms of
9 collective bargaining agreements. All such matters shall appear on the
10 agenda in order to be adjudicated by the Board.

11 F.S. 1012.22, 1012.34

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ORGANIZATION

0151 **Organization Meeting**

The Board shall organize annually on the third Tuesday after the first Monday in November of each year.

F.S. 1001.371

0152 **Officers**

The organization meeting shall be called to order by the Superintendent who shall act as presiding officer until the ~~election of the Chairman~~ organization is complete.

After new members have taken the oath of office, elections of officers shall be by majority vote of members physically present.

A. Officers shall serve for one (1) year and until their respective successors are elected and shall qualify.

B. In the event that the office of Chairman or Vice-Chairman becomes vacant, the Board shall fill the vacancy for the unexpired term at the ensuing regular or special meeting in the same manner as the election conducted at the organization meeting.

F.S. 1001.371, 1001.462

The Superintendent shall be the ~~ex-officio~~ secretary and ~~chief~~ executive officer of the Board.

F.S. 1001.48

Adopted 7/17/07

Revised _____

1 0153 **Appointees**

2 At the organization meeting, the Chairman may appoint or provide for
3 the selection of members as may be necessary to the various
4 organizations, committees, and/or councils as may be required by
5 law, Board policy, or as desired by the Board.

6 Further, at the organizational meeting, the Board shall elect one (1)
7 member to serve on the county value adjustment board. Additionally,
8 it is the responsibility of the Board to appoint one (1) citizen member
9 who owns a business occupying commercial space located within the
10 School District to the value adjustment board.

11 F.S. 194.015
12 HB 909
13 Adopted 7/17/07
14 Revised

15 0154 **Motions**

- 16 The Board shall, at the organization meeting,:
- 17 A. designate a newspaper(s) published in the District as the official
18 newspaper(s), and if there is no such newspaper, one (1) which
19 is published in the county or State and circulates in the
20 District;
 - 21 B. designate a day, place, and time for regular meetings which
22 shall be held at least once a month;
 - 23 C. designate a day for regular informal work sessions of the Board,
24 which shall be public.

25 0155 **Committees**

26 The Board may establish Committees and sub-committees as the need
27 arises. Committees of Board members shall, when specifically charged
28 to do so by the Board, conduct studies, make recommendations to the
29 Board, and act in an advisory capacity, but shall not take action on
30 behalf of the Board. Whenever a majority of a committee and/or sub-
31 committee meets for any pre-arranged discussion of public business of
32 that committee or sub-committee, it shall abide by the Sunshine Law.
33 The law requires that the committee or sub-committee give public
34 notice of each meeting as well as prepare, file, and maintain minutes of
35 the proceedings. Such minutes shall also be available for inspection by
36 the public. All committee meetings shall be open to the public unless
37 otherwise permitted by law.

1 Committees shall consist of no more than two (2) Board members.

2 Members shall be appointed by the Chairman.

3 The Chairman will take into account members' preferences when
4 making committee assignments.

5 Each Board committee shall be convened by a chairperson, who shall
6 report for the committee.

7 Ad hoc committees may be created and charged at any time by the
8 Chairman.

9 Members of ad hoc committees shall serve until the committee is
10 discharged.

11 | Adopted 7/17/07

12 | Revised

13 0156 **Legal Counsel**

14 The School Board shall obtain an attorney, from outside its own
15 membership, who shall act as legal advisor to the Board and the
16 Superintendent. Special counsel may be retained to assist the Board
17 attorney in any litigation or other matter when specifically approved
18 by the Board.

19 The attorney shall not represent any of the individual Board members
20 against the Board as a group or against any other individual Board
21 member.

22 The retention of the Board attorney shall be placed on the agenda at a
23 regularly scheduled Board meeting each year. A proposed fee schedule
24 and any additional amendments to the contract between the Board
25 and the Board attorney shall also be considered at that time.

26 Should the Board have need to retain a new Board attorney due to
27 resignation, termination, or non-reappointment of the previous Board
28 attorney, the following guidelines shall be followed:

29 A. A request for proposal for an attorney to act in the capacity of
30 Board attorney shall be advertised.

31 B. After reviewing the proposals received, the Board shall select, in
32 order of preference, no fewer than three (3) attorneys or groups
33 of attorneys, if such number is available, deemed by the Board
34 to be the most highly qualified to perform the required services.
35 In making the determination, the Board may choose to have
36 presentations or interviews with selected applicants.

1 C. The Board shall then proceed to negotiate, either as a group or
2 by delegation to the Chairman, a contract with the attorney(s)
3 the Board has deemed to be most qualified. The Board attorney
4 shall be paid on an hourly basis with a breakdown for
5 paralegals and other expenses. If negotiations with the
6 attorney(s) deemed most qualified are unsuccessful, the Board
7 may proceed to negotiate with the second most qualified
8 attorney(s), and then to the third most qualified, if necessary.

9 D. Once agreement has been reached, the agreement shall be
10 brought to the Board for ratification.

11 An attorney may also be hired on staff at the Superintendent's
12 recommendation. Special counsel may also be retained to provide
13 legal services requiring specialized knowledge or expertise.

14 The Superintendent shall have the authority to obtain, at Board
15 expense, an attorney to represent him/her in any legal matter
16 regarding the performance of his/her duties. All such legal expenses
17 shall be reasonable.

18
19 F.S. 1001.41

1 DUTIES

2 The Board is committed to an inclusive governance model ensuring that policy
3 focuses on student learning.

4 0171 **Review of Policy**

5 The Board will evaluate how policies have been implemented and their
6 general effectiveness. The Board will rely on the Superintendent,
7 school staff, students, and community to provide evidence of the effect
8 of the policies it has adopted.

9 The Superintendent and/or Board Attorney shall call to the Board's
10 attention all policies and procedures that need revision. All such
11 revisions shall be adopted in accordance with the Administrative
12 Procedure Act (F.S. Chapter 120).

13 Pursuant to State law, the School Board shall complete a
14 comprehensive review of it's policies at least every two (2) years. Upon
15 completion of this review, the Superintendent will recommend for the
16 Board's consideration and adoption any revisions deemed necessary.

17 Additionally, between comprehensive reviews, the Superintendent
18 shall recommend for the Board's consideration and adoption revisions
19 to current policies or new policies as often as necessary so that the
20 Board policies are correct and statutorily compliant.

21 F.S. 120.74

22 Board policies and procedures must include standards for screening,
23 hiring, and terminating instructional personnel and school
24 administrators as defined in F.S. 1012.01; standards of ethical
25 conduct for instructional personnel and school administrators; the
26 duties of instructional personnel and school administrators for
27 upholding the standards; detailed procedures for reporting alleged
28 misconduct by instructional personnel and school administrators
29 which affects the health, safety, or welfare of a student; requirements
30 for the reassignment of instructional personnel or school
31 administrators pending the outcome of a misconduct investigation;
32 and penalties for failing to comply with F.S. 1001.51 or 1012.795.
33 The Board policies and procedures shall include appropriate penalties
34 for all personnel of the Board for nonreporting and procedures for
35 promptly informing the District of each legally sufficient complaint.

36 F.S. 1012.796(1)(d)

37 Adopted 7/17/07

38 Revised

1 | 0171.1 **Review of Policy - ~~Structure~~Educational Resources**

2 It is the policy of the Board to facilitate academic standards, budget
3 priorities, and budget mandates, provide safe and secure facilities,
4 and create an organizational framework and environment to achieve
5 the District's vision. The Board commits to ongoing review of its
6 policies.

7 | Adopted 7/17/07
8 | Revised

9 | 0171.2 **Review of Policy - ~~Mission~~Philosophy and Goals**

10 The Board is committed to a collaborative and ongoing approach to
11 policy review of educational philosophy, educational goals, and
12 direction for curriculum and instruction. To this end, this effort will
13 involve stakeholders to formulate goals and strategic plan for the
14 District.

15 | Adopted 7/17/07
16 | Revised

17 | 0171.3 **Review of Policy - ~~Advocaey~~Community Relations**

18 It is the policy of the Board to advocate for students and public
19 education. The Board commits to maintaining strong community
20 relations by involving stakeholders in District planning, and regularly
21 communicating information about policy, programs, and fiscal
22 conditions.

23 | Adopted 7/17/07
24 | Revised

25 | 0171.4 **Review of Policy - Accountability**

26 The Board is committed to accountability and will communicate with
27 the community regarding progress. It is the policy of the Board to
28 develop and maintain systems and processes to monitor results of
29 programs and projects and evaluate the District's progress toward
30 accomplishing its vision.

31 | 0173 **Board Officers**

32 A. The Chairman of the Board shall:

- 33 1. preside at all public meetings of the Board;
34 2. call special meetings of the Board;
35 3. appoint or provide for the selection of all committees;

