

INTERNAL ORGANIZATION AND OPERATION OF THE  
SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA

I. Organization

A. Purpose

The purpose of this rule is to inform the public of the nature of the school board's internal organization, business operations, delegation of authority, and related matters.

B. Description of the School District

The geographic boundaries of Volusia County, Florida, shall constitute the School District of Volusia County, Florida. The School District is the entity created for the control, organization and administration of the public school within Volusia County and shall be considered as part of the state system of public education. The district school system includes all public schools, classes, and courses of instruction and all services and activities directly related to education in the school district which are under the direction of district school officials, as well as the alternative site schools within Volusia County. All actions of school district officials shall be consistent and in harmony with state laws and with rules and minimum standards of the State Board of Education and the Commissioner, and/or with the terms of the charter district contract between the State Board of Education and the School Board of Volusia County. School district officials have the authority to provide additional education opportunities, as desired, which are authorized, but not required by law.

C. Governing Body/Chief Executive Officer

1. In accordance with Article IX of the Constitution of the State of Florida, the School Board of Volusia County, Florida is the governing board of the School District of Volusia County and shall operate, control and supervise the public schools in the School District, and may exercise any power except as expressly prohibited by the State Constitution or general law. The School Board constitutes the rulemaking body of the district school system and adopts the policies and rules for the School District. The School Board is the contracting agent for the School District. The School Board of Volusia County is a body politic and corporate, and as such, authorized to sue and be sued, to contract and be contracted with, to acquire, hold, possess and dispose of real and personal property, to take and hold in trust for the use and benefit of the School District any grant or devise of land or any donation or bequest of money or other personal property. The School Board of Volusia County constitutes a political subdivision of the State of Florida. As members of the school

board, which is a board established by the Constitution of the State of Florida, school board members are considered constitutional officers. The School Board shall consist of five (5) elected members. School Board members shall be elected in the single member district format provided for in section 1001.362, Florida Statutes, and shall represent the entire school district. A Chairman and a Vice Chairman shall be elected annually by the School Board at its organizational meeting held on the third Tuesday after the first Monday in November. The Chairman shall preside at all School Board meetings and perform such other duties as may be prescribed in Florida Statutes or by action of the School Board. The Vice Chairman shall preside in the absence of the Chairman and shall perform such other duties of the Chairman as required by circumstances

2. School board members shall evaluate and assess the performance of the school district on an annual basis.
3. The superintendent of schools is an office established by the Constitution of the State of Florida, and therefore is considered to be a constitutional officer. Superintendent of schools is the chief executive officer of the School District and serves as secretary of the school board.

The superintendent shall be appointed by the school board, and is subject to re-appointment in accordance with the superintendent's contract with the school board. The superintendent is responsible for the administration and management of the schools, the supervision of instruction in the district and for general oversight of the Volusia District Schools. The superintendent advises and counsels the school board and shall keep the school board currently informed as to the operation and administration of the district. The superintendent shall recommend changes in policies and rules to the school board when necessary or advisable.

The superintendent shall also recommend persons for employment, suspension from employment without pay and termination of employment. The superintendent executes, through delegation as required, all policies and rules adopted by the school board and all other action taken by the school board, and is otherwise responsible for the administration of the School District. The Superintendent shall perform such duties and exercise such responsibilities as are assigned by law and by the regulations of the State Board.

Should the school board determine, in accordance with law and the terms of the superintendent's contract, that the superintendent is incapacitated in such a manner that the superintendent is unable to perform the duties of the office, then it is the legal duty of the school board to appoint a temporary superintendent. This action must occur at a regular or special meeting of the school board. The appointee shall serve in this capacity

until the superintendent is able to perform the duties of the office or until the vacancy is filled.

II. General Information Concerning Agency

A. Location

The location of the principal office of the School Board of Volusia County is 200 North Clara Avenue, DeLand, Florida 32721. Office hours are maintained from 8:00 a.m. to 5:00 p.m., Monday through Friday, except on holidays. The telephone numbers for the school board are as follows: 386/734-7190 from DeLand, 386/255-6475 from Daytona Beach and 386/427-5223 from New Smyrna Beach.

B. Statutory Chapters and Rules

The following constitutional provisions, statutes and rules affect the agency's operation and may be of interest to a person doing business with the agency:

Article IX, Florida Constitution; Chapters 1000, 1001, 1002, 1003, 1006, 1007, 1008, 1010, 1011, 1012, 1013, 119, 120, 274, 286, 287, 121, 447, 235, 246, and 413, Florida Statutes; Titles 6 and 28, Florida Administrative Code; and the Policies of the School Board of Volusia County.

C. Public Information

The policies and rules of the School Board of Volusia County and all public records that may be copied or inspected are available for public inspection and copying at the principal office of the agency. Requests for inspection or copies of school board policies and rules and public records not otherwise restricted shall be directed to the superintendent. The school board may impose a charge for the service and cost of copying public records at no more than the actual cost of such service and cost. Records are available for public inspection and copying to the extent required by Chapter 119; however, access is restricted by the exemptions enumerated in Section 119.07, Florida Statutes, and other rules of law.

District employee personnel files are subject to the provisions of Chapter 119, Florida Statutes; however, access is limited by the exemptions contained therein and in Section 1012.31, Florida Statutes. Student records, as defined in Section 1002.22, Florida Statutes, shall not be released or made available for inspection or copying except as authorized by that section.

D. Agency Clerk

The agency clerk, who is appointed in accordance with the procedures set out in Florida Statute, shall assume such duties as are set out in a job description recommended by the superintendent and adopted by the school board. The agency clerk's address and telephone numbers are: School Board of Volusia County, 200 North Clara Avenue, Post Office Box 2118 DeLand, Florida, 32721. From DeLand, 386/734-7190, from Daytona Beach, 386/255-6475, and from New Smyrna Beach, 386/427-5223.

E. Public Access to School Board

The public shall have access to school board proceedings in accordance with the provisions of Section 286.011, Florida Statutes (referred to as the Sunshine Law).

F. School Board Meetings and Workshops

The school board shall hold at least one regular meeting each month for the transaction of business according to a schedule arranged by the school board. The Board meetings shall be conducted utilizing Roberts Rules of Order. A calendar of meeting dates shall be approved by the School Board at its organizational meeting each November. The calendar shall span the 12 months subsequent to the organizational meeting. A scheduled meeting date, time or location may be changed in accordance with the law. When such a change occurs, the Superintendent shall take appropriate action to inform the public.

Special meetings may be called by the superintendent or upon the request of the chairman of the school board or as otherwise provided in Section 1001.372, Florida Statutes. Actions taken at special meetings shall have the same force and effect as if taken at a regular meeting.

Workshops may also be scheduled for the school board for the purpose of in-depth review and discussion of specific topics and issues. The school board may also choose to meet jointly with other governmental agencies, or conduct listening sessions for the purpose of providing extended time for public comment. These workshops, joint meetings and listening sessions will not include items for action by the school board.

Upon publication of notice, all regular and special meetings, workshops, joint meetings and listening sessions may be held at any appropriate place in the district. Notice of meetings of the school board shall be given in the manner prescribed in Section 1001.372.

The school board shall not conduct business at any meeting unless a quorum is present, except as provided in Section 1001.37, Florida Statutes. All school board meetings are open to the public. However, any person interfering with the orderly process of such a meeting may be removed from the meeting upon order

of the presiding officer in accordance with the provisions of Section 1001.37, Florida Statutes. Workshops in which school board members participate shall be open to the public and advertised in the same manner as regular or special meetings. The School Board shall only conduct executive sessions as authorized by law.

The official minutes of the School Board shall be kept as prescribed by Florida Statutes. The minutes shall reflect the date, time and place of the meeting, the school board members present, the subject(s) considered, and the information necessary to set forth clearly all actions and proceedings of the School Board, including the name of the school board members who make the necessary motion and second for each item acted upon. The minutes shall be securely maintained and shall be made available by the superintendent during regular business hours to any citizen desiring to examine the minutes. The minutes shall also be available on the school district's website.

III. Rulemaking

Rulemaking proceedings of the School Board of Volusia County shall be conducted in accordance with the provisions of Chapter 120, Florida Statutes, and Title 28-3, Florida Administrative Code. Rulemaking proceedings may be initiated by the school board, or on the petition of a person regulated by the agency, or on the petition of a person with a substantial interest in an agency rule. The rules established by the School Board are set out in the policies adopted by the School Board. The public may obtain information or make submissions or requests upon written notification regarding rulemaking proceedings to the Superintendent of Schools, Post Office Box 2118, DeLand, Florida 32721-2118.

IV. Declaratory Statement

Any person may seek a declaratory statement as to the applicability of any specific statutory provision or any rule or regulation or order promulgated by the school board as it applies to the petitioner under the petitioner's unique set of circumstances. The filing and disposition of petitions for declaratory statements shall be in accordance with Chapter 120.565, Florida Statutes, and Title 28-4, Florida Administrative Code.

V. Decisions Affecting Substantial Interest

All proceedings in which the substantial interests of a party are determined by the school board shall be conducted by hearing in accordance with Section 120.569, Florida Statutes, and Title 28-5, Florida Administrative Code, unless waived by the parties, except as follows:

- A. Any decisions affecting the substantial interests of school board personnel shall be in accordance with the Volusia County Teacher's Tenure Law, Chapter 18964, Laws of Florida (1937); as amended by Chapter 20187, Laws of Florida (1939);

as amended by Chapters 621 and 623, Laws of Florida (1974) or, if applicable, the provisions of any collective bargaining agreement

- B. Decisions which in any way affect the interests of exceptional students shall be made in accordance with the guidelines and procedures contained in School Board Policy 303, "Special Programs and Procedures for Exceptional Students".
- C. The procedures for filing bid protests and protesting denial of prequalification are set forth in School Board Policy 605, "Bid Protests", of this manual section 120.57, Florida Statutes.

Legal Authority:

Sections 1001.41(2), 1001.42(22), 120.54, Florida Statutes

Laws Implemented:

Titles 6 and 28, Florida Administrative Code;  
Article IX, sections 4 and 5, Florida Constitution;  
Sections 1001.34, 1001.362, 1001.363, 1001.371, 1001.372, 1001.40, 1001.41, 1001.42, 1001.48, 1001.49, 1001.52, 1001.51, Florida Statutes; Chapters 119 and 286 (specifically 286.11)  
Chapter 18964 (1937), as amended by Chapter 20187 (1939), Chapter 74-621 (1974), amended by Chapters 621 and 623, Laws of Florida.

History:

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