

THE SCHOOL DISTRICT OF OSCEOLA COUNTY, FLORIDA



School Board Rules Development Process

Effective July 01, 2019

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Learning about Rulemaking

- **What is Rulemaking?**

"Rulemaking" is defined as the adoption, amendment, or repeal of a rule. In its simplest form, rulemaking consists of drafting the rule text, providing notice to the public, accepting public comment, and filing the rule for adoption. However, rulemaking can become more complicated, involving many more steps.

- **What is a Rule?**

According to Chapter 120, Florida Statutes, Administrative Procedure Act (APA): Rule means each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term also includes the amendment or repeal of a rule.

- **What is the Florida Administrative Code?**

The online Florida Administrative Code (FAC) is the official compilation of administrative rules for the state of Florida. The Department of State oversees the publishing of the FAC and updates it weekly.

- **What is the Florida Administrative Register?**

Florida Administrative Register (FAR) is the title of a daily publication that gives the public current information about the status of rules moving through the rulemaking process including proposed rules; emergency rules; and notices of change, corrections, and withdrawals. The Register also includes notices of agency public meetings, workshops and hearings, and miscellaneous actions required to be published by statute.

Below is a list of notices required to be published in the FAR:

- Notices of Rule Development
- Notices of Proposed Rules
- Notices of Change, Correction and Withdrawal
- Emergency Rules
- Petitions and Dispositions Regarding Rule Variance and Waiver
- Notices of Meetings, Workshops and Public Hearings
- Notices of Petitions and Dispositions Regarding Declaratory Statements
- Notices of Petitions and Dispositions Regarding Non-rule Policy Changes
- Announcements and Objection Reports of the Joint Administrative Procedures Committee
- Notices Regarding Bids, Proposals and Purchasing
- Notices of Intent to Adopt rules pursuant to Sections 120.54(6), 120.54(1)(i)2., and 403.8055, Florida Statute
- Notices of Invalidation of a Proposed or Effective Rule

- **How do I subscribe to the Florida Administrative Register?**

Electronic Version: Current and past issues of the FAR are available for viewing online here at: <https://www.flrules.org/Default.asp>. Users of the e-rulemaking website may subscribe, free of charge, to receive e-mail notification of notices submitted by agencies at: <https://www.flrules.org/subscriber/signup.asp>.

- **What Laws and Rules Govern Rulemaking?**

Chapter 120, Florida Statutes, Administrative Procedure Act (A.P.A.), sets forth the rulemaking procedures that agencies must follow. The Department of State, through its legislatively delegated rulemaking authority, has adopted Chapter 1-1, Florida Administrative Code (F.A.C.), to interpret, implement, and make specific the requirements of Chapter 120, Florida Statutes.

- **What authority does an agency need to adopt a rule?**

A grant of rulemaking authority and a specific law to be implemented are required before an agency may draft a new rule, amend a current rule, or repeal an existing rule (reference). Furthermore, an agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute. No agency shall have authority to adopt a rule only because it is reasonably related to the purpose of the enabling legislation and is not arbitrary and capricious or is within the agency's class of powers and duties, nor shall an agency have the authority to implement statutory provisions setting forth general legislative intent or policy.

- **What is Reference Material?**

When a rule refers to a form, document, or related item, it must be "incorporated by reference" into the rule. Reference materials may refer to specific ordinances, standards, specifications, maps, graphs, charts, reports, or similar materials generally available to affected persons and published by either a governmental agency or a generally recognized professional organization. Any forms, including instructions, which solicit information or impose requirements not already required by statute or existing rule and which are used by an agency in its dealings with the public shall be incorporated by reference in the rule if it meets the definition of a "rule."

[Retrieved and adapted from: <https://www.flrules.org/Help/newHelp.asp>]

Policy versus Procedure

Policies are the "rules" that govern the implementation of processes. Policies seldom change.

Procedures, on the other hand, are the steps taken to implement a policy. Procedures evolve over time as new tools emerge, and as administrators design new processes. It is a best practice to expect individuals to provide regular feedback on outdated procedures in order to maintain continuous improvement of the procedures themselves and the organization that uses them.

Therefore, in order to maintain their clarity of purpose, policies, procedures, and guidelines should appear as separate documents.

The overall goal for any policy or procedure document is for the design to be simple, consistent, and easy to use.

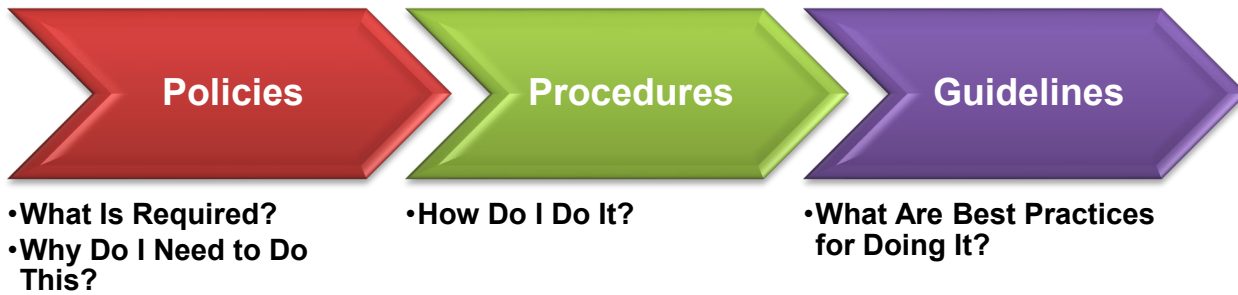
Good policies:

- ★ are written in clear, concise, simple language;
- ★ represent a consistent, logical framework for action;
- ★ address *what* is the rule rather than *how* to implement the rule;
- ★ establish clear authority for direction;
- ★ identify "policy experts," who are accessible, to interpret policies and resolve problems; and
- ★ are readily available to employees and the public (e.g., publication, websites, SharePoint sites, etc.).

Good procedures:

- ★ are written in clear, concise, simple language so that users can easily follow them;
- ★ are developed with input and feedback from the users in order to create a sense of ownership;
- ★ offer users options, where feasible, so that users will be more likely to apply them;
- ★ are directly connected to policies in order to:
 - ensure users understand the required steps to implement policies;
 - empower users to comply with policies; and
 - help users to achieve strategic work goals;
- ★ are readily available to employees (e.g., publication, websites, SharePoint sites, etc.).





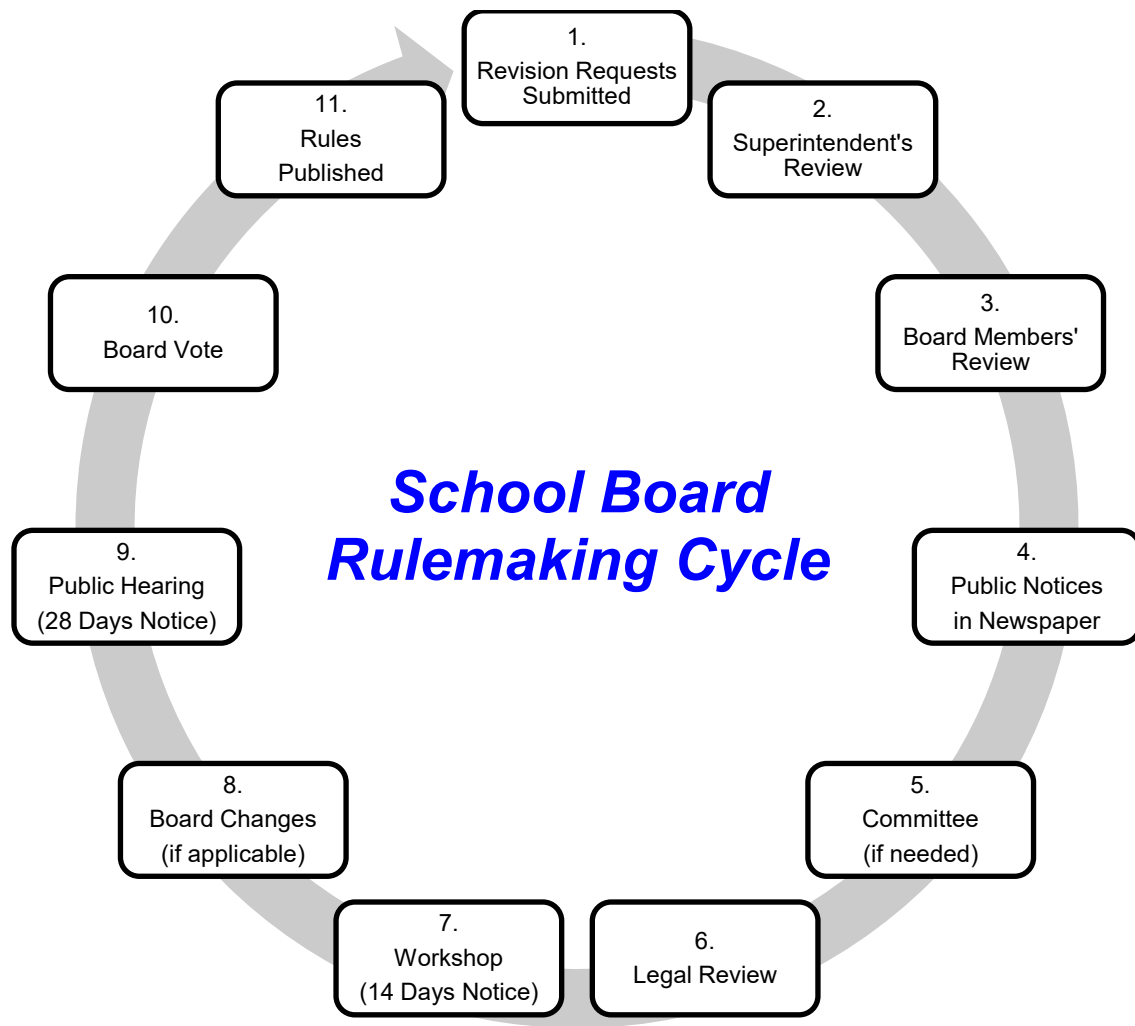
Policies	Procedures
<ul style="list-style-type: none"> Establish general rules for the organization 	<ul style="list-style-type: none"> Detail specific processes for work tasks
<ul style="list-style-type: none"> Widespread application 	<ul style="list-style-type: none"> More narrow, focused application
<ul style="list-style-type: none"> Non-negotiable and change rarely 	<ul style="list-style-type: none"> Often negotiated and subject to change (e.g., continuous improvement)
<ul style="list-style-type: none"> Statements of: <ul style="list-style-type: none"> <i>what</i> and/or <i>why</i> 	<ul style="list-style-type: none"> Statements of: <ul style="list-style-type: none"> <i>how</i>, <i>when</i>, and/or <i>who</i>

Essential Components	
Policies	Procedures
<ol style="list-style-type: none"> Number Title Purpose Definitions Policy Details Reference(s) to Related Policies Policy Authority <ul style="list-style-type: none"> State Laws/ Regulations Federal Laws/ Regulations 	<ol style="list-style-type: none"> Number Title Overview/ Description Areas of Responsibility Procedure Details Resources/ Contacts Procedural Authority <ul style="list-style-type: none"> School Board Rules

Protocol for Preparing Drafts of Proposed Revisions to School Board Rules

The creation of appropriate policies and procedures requires specific professional expertise that resides within each District department. Therefore, each department is responsible for:

- preparing and submitting **proposed revisions** to our School Board Rules (e.g., policies) using the appropriate legal protocol; and
- maintaining and communicating its own **procedures**.

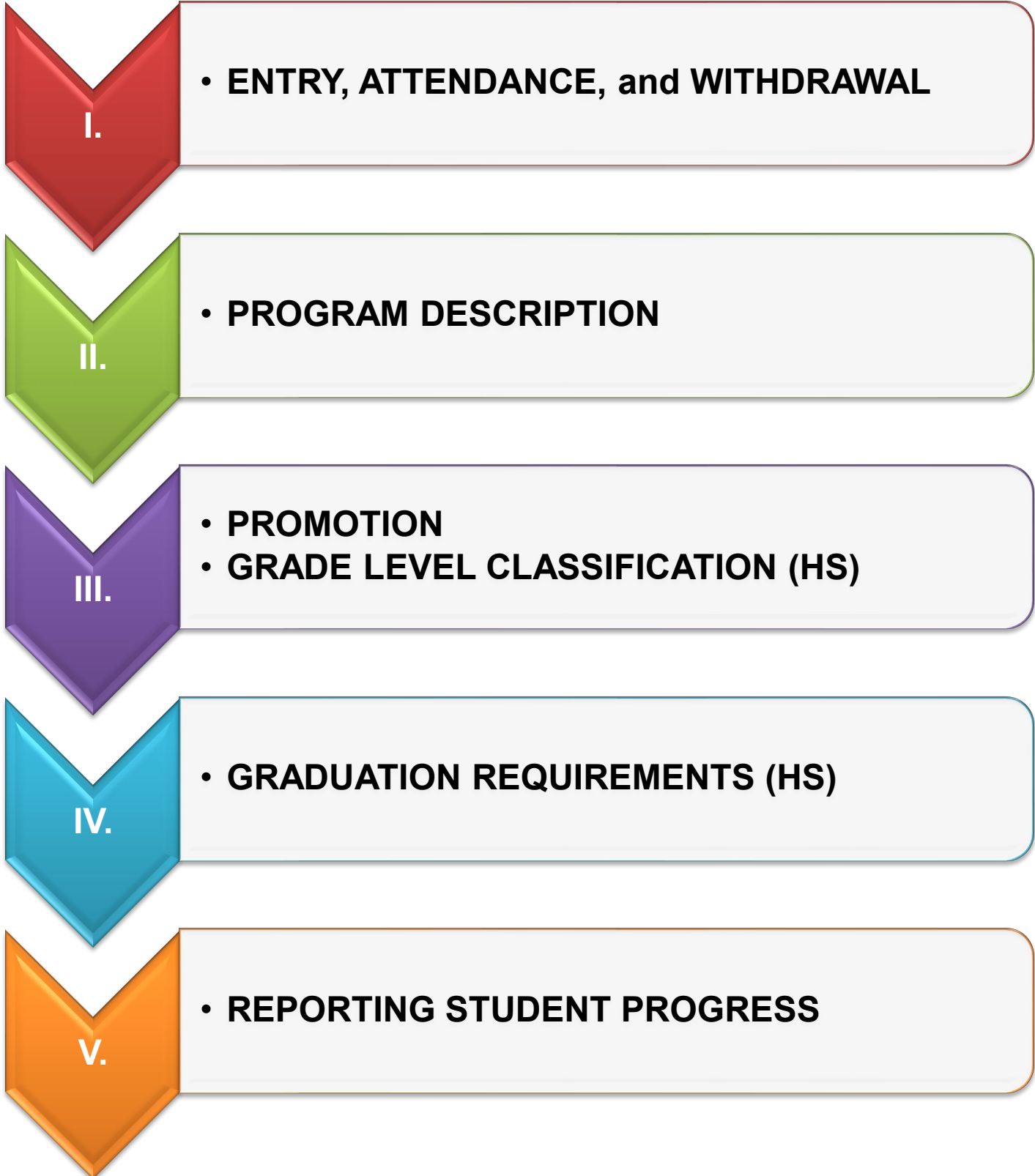


Revisions to School Board Rules/ policies require a formal legal process (e.g., rulemaking cycle) pursuant to Sections 120.54 and 120.81, Florida Statutes. This process includes legal advertisement of a public notice in a local newspaper, a workshop, a public hearing, and a School Board vote for approval. A rulemaking cycle usually requires at least six (6) weeks from creation to approval and publication. Following the appropriate legal protocol expedites this process for everyone.

Procedures are less formal than School Board Rules/ policies and are NOT required to be part of a School Board Rule/ policy. It is to each District department's advantage to keep as much language as legally permissible in a procedure. Revisions to procedures can be immediate and communicated to employees via memo or e-mail.

The School District of Osceola County, FL Student Progression Plan Historical Timeline	
1959	<ul style="list-style-type: none"> The School District of Osceola County officially codifies and publishes its School Board Rules.
1959-1984	<ul style="list-style-type: none"> The School District of Osceola County lists and revises many items that will become its Pupil Progression Plan within Chapter 6 of its School Board Rules.
1985	<ul style="list-style-type: none"> Section 232.245, Florida Statutes, requires school districts to implement “a comprehensive program for pupil progression,” and the Pupil Progression Plan as we know it results. The School District of Osceola County officially includes its Pupil Progression Plan in School Board Rule 6.4 until 1994.
1995	<ul style="list-style-type: none"> The School District of Osceola County separates its Pupil Progression Plan into a separate document that becomes part of the Appendix to its School Board Rules.
2002	<ul style="list-style-type: none"> The Florida Legislature rewrites the state’s school code, which deletes Title XVI (e.g., 16), Education, Chapters 228-246, of the Florida Statutes and replaces it with Title XLVIII (e.g., 48), K-20 Education Code, Chapters 1000-1013. Section 232.245, Florida Statutes, becomes Section 1008.25, Florida Statutes, and changes the name of the Pupil Progression Plan to the <i>Student</i> Progression Plan.
2005	<ul style="list-style-type: none"> The School District of Osceola County contracts with Educational Management Consultant Services, Inc., to rewrite its School Board Rules. The Student Progression Plan is divided into three (3) separate documents (e.g., elementary school, middle school, and high school), and each one remains a separate policy document and part of the School Board Rules.
2019	<ul style="list-style-type: none"> The School District of Osceola County contracts with the North East Florida Educational Consortium (NEFEC), formerly EMCS, to rewrite its School Board Rules. The Student Progression Plan combines its three (3) separate documents into one (1) document which remains a separate policy document and part of the School Board Rules.
Present	<ul style="list-style-type: none"> The School District of Osceola County revises its School Board Rules and Student Progression Plan annually to comply with state and federal legislative changes and to address its local needs.

Student Progression Plan Design



Student Progression Plan Sections that Overlap Across Grade Level Spans
<i>Acceleration Plan</i>
Accommodations of District/ State Assessments for Special Program Students
Annual Report in Local Newspaper
<i>Attendance Guidelines</i>
<i>Change of Grade without Teacher Request</i>
<i>Change of Grades</i>
<i>Description and Definition of Marks</i>
District/ State Assessment Programs
Dropout Prevention Program (DOP)
<i>Early Departures</i>
English Language Learner (ELL) Students
ENTRY, ATTENDANCE, AND WITHDRAWAL
ESE Students
Evidence of Age
<i>Excused Absences</i>
<i>Exemptions from District/ State Assessments for Special Program Students</i>
Extended School Year
Florida System of School Improvement and Accountability
<i>General Rules of Marking or Awarding Grades or Credit</i>
Gifted Students
GRADUATION REQUIREMENTS (HS ONLY)
Home Education Students
Home Language Survey (HLS) and Identification Criteria
Hospital/ Homebound Program
Immunization
Initial Entry Requirements
<i>Middle School Acceleration for High School Credit (MS and HS ONLY)</i>
Multi-Tiered System of Supports (MTSS) and Problem Solving/ Response to Intervention (PS/ RtI)
Parent(s)/ Guardian(s) – Written Notification Requirements
<i>Pre-Arranged Excused Absences</i>
PROGRAM DESCRIPTION
Progress Monitoring Plan (PMP) Process

PROMOTION/ GRADE LEVEL CLASSIFICATION
<i>Promotion to a Higher Grade Level (ES and MS ONLY)</i>
Proof of Physical Examination
<i>Remediation</i>
<i>Report Cards</i>
REPORTING STUDENT PROGRESS
<i>Request by Teacher for Change of Grade</i>
<i>Residency Requirements</i>
<i>Retention</i>
Section 504 Students
Special Programs
<i>Student Absences</i>
<i>Student Absences for Religious Reasons</i>
<i>Student Custody</i>
Student Performance - State K-20 Education Priorities
Student Performance Levels for Reading, Writing, Mathematics, and Science
<i>Student Withdrawals during the Last Two Weeks of the School Year</i>
<i>Student Withdrawals for Enrollment in Home Education Programs</i>
<i>Tardies</i>
<i>Transfer Students</i>
<i>Unexcused Absences</i>
Virtual Instruction Program

KEY
<ul style="list-style-type: none"> • Titles in all capital letters with orange highlight are major sections.
<ul style="list-style-type: none"> • <i>Titles in red italic font with yellow highlight are areas of previous contractual or legal controversy and high priority for consistency.</i>
<ul style="list-style-type: none"> • Titles in black font are areas of little or no previous controversy.