

## Cape Coral Charter School Authority Bylaws & Policies

---

### 0100 - DEFINITIONS

Whenever the following items are used in these bylaws and policies, they shall have the meaning set forth below:

#### **Administrative Procedures**

A statement, based on policy, usually written, which outlines and/or describes the means by which a policy should be implemented and which provides for the management cycle of planning, action, and assessment or evaluation.

#### **Authority**

The City of Cape Coral Charter School Authority. When referring to the Authority, the "Authority" will be capitalized.

#### **Board**

The Governing Board of the City of Cape Coral Charter School Authority.

#### **Bylaw**

Policy of the Board for its own governance.

#### **Chair**

The presiding officer of the Board. (See Bylaw 0163)

#### **Compulsory School Age**

All children who have attained the age of six (6) years or who will have attained the age of six (6) years by February 1st of any school year or who are older than six (6) years of age but who have not attained the age of sixteen (16) years, except as otherwise provided in Florida statute, are required to attend school regularly during the entire school term. F.S. 1003.21

#### **Due Process**

The safeguards to which a person is entitled in order to protect his/her rights.

### **Full Board**

Authorized number of voting members entitled to govern the Authority.

### **Major Tangible Personal School Property**

Means any tangible personal property, of a nonconsumable nature, owned by the Board that has a capitalized value equal to or greater than the value defined in Florida statute and a normal life expectancy of one (1) year or more. (F.S. 274)

### **May**

Is used when an action by the Board or its designee is permitted but not required.

### **Minor Tangible Personal School Property**

Those items that are tangible, of a nonconsumable nature, with a life expectancy of one (1) year or more and with a value less than that amount defined in Florida statute. (F.S. 274)

### **Noninstructional Administrators**

Included in this classification are persons with administrative or policymaking duties who have broad authority to the management of policies and general Authority operations related to the noninstructional program. Such personnel often report directly to the Superintendent and supervise other administrative employees. This classification includes directors of major noninstructional areas, such as personnel, construction, facilities, transportation, data processing, and finance. (F.S. 1012.01(3)(b))

### **Parent**

Either or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of a parent (F.S. 1000.21). Both parents will be considered to have equal rights unless a court of law decrees otherwise.

### **Policy**

A general, written statement by the Board that defines its expectations or

position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

### **Principal**

The principal shall be the administrative and supervisory head of the school to which assigned by the Superintendent and shall be responsible for the enforcement of all Board regulations and Florida State statutes that pertain to the office. In policy, capitalization of the "P" in Principal implies authority to delegate responsibilities to appropriate staff members. F.S. 1001.41, 1012.28

### **Property**

All buildings, grounds, and other real or personal school property belonging to, held by, or used by the Board shall be termed to be school property.

### **Real Property**

That portion which is used as a site or school plant for purposes of carrying out the school program. This includes any equipment that is permanently attached to or is an integral part of the building or site.

### **Relative**

The mother, father, sister, brother, spouse, parent of spouse, child, grandparents, grandchild, or dependent in the immediate household as defined in Authority Policy 1130, Policy 3130, and Policy 4130.

### **Rule**

A statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of the Authority. As used in this document, the term "rule" and "policy" shall have the same definition.

### **School Property Custodian**

The custodian of school property is the person to whom responsibility for the custody of property under his/her control has been delegated by the Superintendent or the Board. This is not to be confused with the building custodian who is responsible for cleaning and maintaining the building and grounds.

### **Shall**

This word is used when an action by the Board or its designee is required.

(The words "will" or "must" also signify a required action.)

### **Student**

A person who is officially enrolled in a school or program of the Authority.

### **Superintendent**

The chief executive officer of the Authority. In policy, capitalization of the "S" in Superintendent implies authority to delegate responsibilities to appropriate staff members.

### **Textbook**

This word is used to describe the learning material duly adopted and required as standard work for the study of a particular subject. It may be bound and printed with a hard or soft cover, or it may be electronic, e.g., computer software, interactive videodisc, magnetic media, CD ROM, computer courseware, on-line service, electronic medium, or other means of conveying information.

### **Vice-Chair**

The Vice-Chair of the Board.

### **Workshop**

A meeting called by the Board Chair, Superintendent, or a majority of the Board for the purpose of exploring matters that constitute the business of the Authority.

Statutory and Code of Notations - **A.** Citations to Florida statute are noted as F.S. **B.** Citations to the rules of the State Board of Education are noted as F.A.C. (Florida Administrative Code) **C.** Citations to the Federal Register are noted as F.R. **D.** Citations to the Code of Federal Regulations are noted as C.F.R. **E.** Citations to the United States Code are noted as U.S.C.

F.S. 274, 1001.21, 1001.41, 1003.21, 1012.01(3)(b), 1012.28

© Neola 2013

## Cape Coral Charter School Authority Bylaws & Policies

---

### 0110 - IDENTIFICATION

**0111            Name**

The Governing Board of this System shall be known officially as The Governing Board of the City of Cape Coral Charter School Authority.

F.S. 1001.40

**0112            Geographical District**

The Authority is comprised of all the area within the municipal boundaries of the City of Cape Coral.

**0113            Address**

The official address of the Authority is 3519 Oasis Blvd., Cape Coral, Florida 33914.

**0114            Seal**

The Governing Board shall adopt an official seal for the District.

**0118            Purpose of the Board**

The Governing Board declares and, thereby, reaffirms its intent to:

- A.     maintain two-way communications with citizens of the System. The Board shall keep them informed of the progress and problems of the System, and the citizens shall be urged to bring their aspirations and concerns about the System to the attention of this body;
- B.     establish policies and make decisions on the basis of declared educational philosophy and goals; and
- C.     act as a truly representative body for citizens of Cape Coral in all matters related to programs and operations. The Board recognizes that ultimate responsibility for public education rests

with the State, but the Board has been assigned specific authority through statute and as described in the various charters, and the Board shall not relinquish or fail to exercise that authority.

© Neola 2009

## Cape Coral Charter School Authority Bylaws & Policies

---

### 0120 - POWERS, BOARDMANSHIP, AND ETHICS

#### 0121                    **Responsibilities and Authority of the Board**

The Governing Board is responsible for the organization and control of the schools of the Authority and is empowered to determine the policies necessary for the effective operation and the general improvement of the charter school system.

Section 4, Article IX, Florida State Constitution  
F.S. 1001.40, 1002.33

#### 0121.1                **Financial Emergencies**

When a financial emergency, as defined by F.S. 218.503(1), occurs, the Governing Board shall notify the Commissioner of Education and the Legislative Auditing Committee that such conditions have occurred, or will occur if action is not taken to assist the Board.

The Commissioner of Education shall contact the Board to determine what actions have been taken by the Board to resolve or prevent the condition. The Board shall provide the information requested within forty-five (45) days of the date of the request.

The Commissioner of Education shall determine whether the Board needs state assistance to resolve or prevent the condition. If State assistance is needed, the Board is considered to be in a state of financial emergency, and the Commissioner has the authority to implement measures as set forth in State law to assist the Board in resolving the financial emergency.

The failure of the members of the Board to resolve a state of financial emergency would constitute malfeasance, misfeasance, and neglect of duty, and the members of the Board may be subject to the penalties set in forth Article IV, Section 7 of the Constitution of the State of Florida.

F.S. 218.39, 218.50, 218.501, 218.502, 218.503, 218.504

#### 0122                    **Board Powers**

The Governing Board shall be a body politic and 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.

F.S. 1001.41, 1001.42, 1001.43, 1002.33

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 system; the determination of minimum standards; and the performance of any duties that are assigned to it by law or by State Board regulations 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, Florida statutes, the various charters, and the Ordinance.

The Board shall perform all duties found in Florida statutes, the various charters, and the Ordinance and shall provide educational opportunity as required by Florida statutes.

F.S. 1000.41, 1001.42, 1002.33

0122.1

### **Member Powers**

Governing 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

### **Standards for Board Member Ethics and Boardmanship**

While serving on the Governing Board, each member shall agree to uphold the following standards:

- A. remember that the first and greatest concern must be the educational welfare of all students attending the charter public schools, regardless of ability, race, creed, sex, or socio-economic status;
- B. obey the law of Florida and the United States and bring about desired changes through legal and ethical procedures;
- C. respect the confidentiality of privileged information;
- D. recognize that as an individual Board member there is no authority to speak or act for the Board;
- E. avoid conflicts of interest or the appearance thereof;



- F. delegate authority for the administration of the schools to the superintendent and staff;
- G. render all decisions based on the available facts and independent judgment rather than succumbing to the influence of individuals or special interest groups;
- H. make every effort to attend all Board meetings and workshops;
- I. become informed concerning the issues to be considered at each meeting;
- J. support the employment of staff members based on qualifications and not as a result of influence;
- K. refrain from using the Board position for personal benefit or the benefit of family members or business associates;
- L. express personal opinions but, once the Board has acted, accept the will of the majority; and
- M. encourage recognition of the achievements of students and staff and the involvement and support of business and community members.

0124

**Standards of Ethical Conduct**

The Governing Board hereby establishes the following as the standards of ethical conduct for all members of the Board:

- A. A Board member shall:
  - 1. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
  - 2. not unreasonably restrain a student from independent action in pursuit of learning.
  - 3. not unreasonably deny a student access to diverse points of view.
  - 4. not intentionally expose a student to unnecessary embarrassment or disparagement.

5. not intentionally violate or deny a student's legal rights.
6. not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable efforts to assure that each student is protected from harassment or discrimination.
7. not exploit a relationship with a student for personal gain or advantage.
8. keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
9. take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.
10. not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.
11. not use institutional privileges for personal gain or advantage.
12. accept no gratuity, gift, honoraria, or favor that might influence professional judgment.
13. not directly or indirectly solicit any gift or knowingly accepting, directly or indirectly, a gift valued in excess of \$50.00 or an honorarium, from a person, vendor, potential vendor, or other entity doing business with the Board, from a political committee, or from a lobbyist (are related individuals and entities) who lobbies the reporting individual's agency. "Vendor" is defined by F.S. 112.3148 relating to gifts and F.S. 112.3149 relating to honoraria to mean a business entity doing business directly with an agency, such as renting, leasing, or selling realty, goods, or services. The term "gift" has the same meaning as in F.S. 112.312(12). This prohibition applies as well to relatives, as defined in F.S. 112.312(21).
14. offer no gratuity, gift, or favor to obtain special advantages.
15. maintain honesty in all professional dealings.
16. not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and

- family background deny to a colleague professional benefits or advantages or participation in any professional organization.
17. not interfere with a colleague's exercise of political or civil rights and responsibilities.
  18. not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable efforts to assure that each individual is protected from such harassment or discrimination.
  19. not make malicious or intentionally false statements about a colleague.
  20. not use coercive means or promise special treatment to influence professional judgments of colleagues.
  21. not misrepresent one's own professional qualifications.
  22. not submit fraudulent information on any document in connection with professional activities.
  23. not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.
  24. not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these *Principles of Professional Conduct for the Education Profession in Florida* and other applicable Florida statutes and State Board of Education rules.
  25. self-report within forty-eight (48) hours to appropriate authorities (as determined by the Authority) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, Board members shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, the Authority shall comply with the confidentiality provisions of F.S. 943.0585(4)(c) and 943.059(4)(c).

26. report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1).
  27. seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795 (1).
  28. comply with all duties and responsibilities set forth in the K-20 Education Code and the Code of Ethics for Public Officers and Employees.
- B. All Board members shall adhere to the principles enumerated above. Furthermore, pursuant to F.S. 1001.42(7), a Board member may not knowingly sign and transmit to any State official a report of alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student which the Board member knows to be false or incorrect, or knowingly fail to adopt policies that require instructional personnel and school administrators to report alleged misconduct by other instructional personnel and school administrators, or that require the investigation of all reports of alleged misconduct by instructional personnel and school administrators, if the misconduct affects the health, safety, or welfare of a student. Violation of these provisions will result in the forfeit of the Board member's salary for one (1) year.

All Board members shall complete four (4) hours of ethics training annually that addresses, at a minimum, the constitutional "Sunshine Law" provisions (Article II, Section 8), the statutory **Code of Ethics for Public Officers and Employees** (F.S. Chapter 112, Part III), and the public records and public meetings laws. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

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

F.S. 112.313, 112.3142, 112.3148, 112.3149, 1001.42(6)  
F.S. 1001.421, 1012.23  
F.A.C. 6B-1.001, 6B-1.006

## Cape Coral Charter School Authority Bylaws & Policies

---

### 0130 - FUNCTIONS

0131

#### **Legislative/Polycymaking**

The Governing Board is the polycymaking body for the System. After considering recommendations submitted by the superintendent, the Board shall adopt bylaws and policies for the organization and operation of the Board and efficient operation and general improvement of the System.

The term "rule" for purpose of this policy is defined in F.S. 120.52; it does not include "curricula by an educational unit". As used in this bylaw, the term "rule" and "policy" shall have the same definition. The development or prescription of curriculum by the Board is removed from the procedural requirements for polycymaking.

F.S. 1002.33, 1001.41

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.

Board adoption of policies or revisions to policies shall be pursuant to Florida statutes.

F.S. 120.536(1), 120.54

#### **Policy Development**

The Superintendent shall publish notice of the development of a proposed policy before providing notice of a proposed policy as required below. The notice of policy development shall indicate the subject area to be addressed by policy development; provide a short, plain explanation of the purpose and effect of the policy development; cite specific legal authority for the proposed policy; and state how a person may obtain or access, without cost, a copy of any preliminary draft, if available.

The Board may hold workshops for the purpose of policy development after publication of the notice of policy development. Any affected person may request in writing that the Board hold a workshop for policy development, and the Board will then hold such workshop, unless it explains in writing why a workshop is unnecessary.

F.S. 120.54(2)

### **Adopting Policies**

The Superintendent shall present any proposal relating to a policy amendment, the repeal of any policy, or the adoption of a new policy in writing to the Board including a written explanation of the proposal in accordance with Florida law.

- A. **Notice of Proposed Policy:** After the Board has determined that it will give due consideration to the proposal for adoption, amendment, or repeal of a policy, the Superintendent shall give immediate and proper written notice to the public not less than seven (7) days prior to the proposed action.
- B. **Hearings:** Any person, who is affected by a proposed policy, policy revision, or the repeal of a policy, may file a written request with the Board for a hearing on the proposed action.

The Board may also, on its own initiative, schedule a public hearing for any proposed policy adoption, revision, or repeal.

- C. **Board Action:** The Board will vote to adopt, amend, or repeal the recommended policy.
- D. The Superintendent shall file immediately in his/her office a copy of any new policy, policy revision, or repealed policy adopted by the Board; policy handbooks and update the Board's website accordingly.
- E. All policies shall become effective upon adoption by the Board, unless another time certain date is specified therein.

F.S. 120.54

### **Emergency Policies**

The Board may determine that the public health, safety, or welfare is endangered and that immediate action is required to protect the public interest. When this occurs, the Board, at any meeting in which a quorum is present, may adopt emergency policies. The Superintendent shall properly record the effective date for any such emergency policy. Any emergency policy shall not be valid in excess of ninety (90) days from the adoption or effective date.

### **Public Input and Access to Policies**

Any Board employee, citizen, or agency may submit a new policy proposal to the Superintendent's office.

A copy of the compiled policies shall be available for inspection on the Authority's website.

The Board policies shall also be accessible on the Authority's website.

F.S. 120

0131.1

### **Technical Corrections**

Periodically it may be deemed necessary to make technical corrections to policies that have already been adopted through normal procedures. These technical corrections may include consolidation of sections; transfer of sections; combining or dividing sections; renumbering subsections, sections, chapters and titles; corrections or additions for grammatical or typographical errors; and/or alterations and omissions not affecting the constructions or meaning of those sections, subsections, chapters, titles, or policies as a whole.

Should the Governing Board choose to make such technical corrections, it may be accomplished by resolution as part of the consent agenda without going through the normal policy adoption procedure.

F.S. 11.242

0132

### **Executive**

The Governing Board shall exercise its limited executive power by the appointment of the Superintendent for the charter schools, hereinafter referred to as the "Superintendent".

The Superintendent shall be the executive officer of the Board, and, as such, shall advise and counsel with the Board on all educational matters and recommend to the Board such matters as should be acted upon.

F.S. 1001.46, 1001.461, 1001.50  
Section 5, Article IX, State Constitution

The Superintendent shall cooperate with the Board to the end that the System may be continuously improved.

The Superintendent shall enforce the rules of the State Board of Education, rules of the Florida Department of Education, the various charters, the Ordinance, and the policies of this Board.

The Superintendent shall cause to be distributed to each school, school office, school library, and public library in the City of Cape Coral copies of the bylaws, policies, and regulations and copies of amendments thereto in printed or electronic format so that the documents are readily accessible

to each regular employee and to the public.

The Superintendent shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board at the next meeting following such action.

The Superintendent, in cases of emergency, may suspend any part of these policies, and/or procedures, provided that the Superintendent shall report the fact of and the reasons for such suspension at the next meeting of the Board and provided further that the suspension shall expire at the time of said report unless continued in effect by action of the Board.

Consistent with the various charters and the Ordinance, the Superintendent may be delegated the authority to enter into written contracts or agreements with other public or private organizations under the following conditions:

- A. Contracts/Agreements shall be for a valid school purpose.
- B. All costs and expenses in connection with said contracts/agreements shall be paid from internal account funds.
- C. Said contracts/agreements shall not conflict in any respect with Federal, State, or local law or rule, the various charters, the Ordinance, or Board rule.
- D. Said contracts/agreements shall be made in the name of Authority, and shall be executed and delivered by the Superintendent in accordance with the administrative procedures promulgated by the Superintendent.

0133

### **Quasi-Judicial**

The Governing Board may assume jurisdiction over any dispute or controversy arising within the Authority and concerning any matter in which authority has been vested in the Board by statute, policy, a contract, or policy of this Board. The Board shall act as final appeal in the resolution of all matters of dispute within the school system including suspension, termination, promotion, and transfer of personnel. All such matters shall appear on the agenda in order to be adjudicated by the Board.

The Board will enter a final order in any proceeding that affects the substantial interests of a party. The final order will be in writing and will include findings of fact, if any, and conclusions of law separately stated.

The Superintendent will maintain final orders of the Board in accordance with Florida law.

F.S. 120.53, 120.569, 120.57, 1006.07, 1012.22, 1012.34



© Neola 2015

## Cape Coral Charter School Authority Bylaws & Policies

---

### 0140 - MEMBERSHIP

0141            **Number**

The Governing Board shall consist of no more than eleven (11) members. Seven (7) of the members are appointed by the Cape Coral City Council and are vested with voting authority. Additional non-voting members may be added as representatives of the various building sites.

0141.2        **Conflict of Interest**

Governing Board members shall adhere to standards of conduct and abjure conflicts of interest as defined by statute.

0142            **Qualifications**

Each member of the Governing Board shall meet the qualifications specified by the various charters or the Ordinance.

0142.3        **Orientation**

The Governing Board believes that the preparation of each Board member for the performance of Board duties is essential to the effectiveness of the Board's functioning. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the schools, and learn Board procedures. Upon appointment, each new Board member shall receive the current budget statement, audit report, and related fiscal materials, and copies of the various charters and the Ordinance.

The Superintendent shall provide an orientation program for newly appointed Board members to commence as soon as possible after their new term begins. This orientation shall reflect, among other things, the purpose and role of the Board, the conduct of individual Board members, an overview of educational programs, and a review of Board rules and policies.

The Board shall encourage the attendance of each new Board member at orientation and training meetings.

0143            **Appointment**

Members of the Governing Board shall be appointed by category as indicated in the various charters and the Ordinance.

**0144           Term**

Governing Board members shall be appointed by the Cape Coral Council for three (3) year terms.

**0145           Filling a Board Vacancy**

A vacancy occurs on the Governing Board when one (1) of the following events occurs:

- A.       death of the incumbent
- B.       failure to maintain the residence required
- C.       resignation
- D.       removal from office

Vacancies shall be filled by appointment of the Cape Coral City Council.

**0146           Removal**

The Cape Coral City Council is empowered to suspend or remove for cause an elected or appointed Governing Board member.

**0147           Compensation**

Governing Board members shall receive no compensation for their services.

The Board may authorize all approved expenses for membership of its Board members in recognized charter school organizations and school board associations. Expenses of a Board member incurred in the performance of his/her duties will be paid by the Authority, provided that each such member submits a written statement of his/her expenses consistent with Board policy and within the constraints of budgeted resources.

**0148           Use of Equipment and Services**

The Superintendent is authorized to make available to Governing Board

members for their official use office supplies and other items, as necessary, for completion of their official duties.

Any additional non-budgeted items desired by members must have Board approval. Equipment and services shall be acquired in accordance with Authority purchasing and property accounting procedures and shall be accounted for by the Superintendent. Equipment must be returned on the last day of service.

0149

### **Access to Records**

Individual members of the Governing Board do not possess the powers that reside in the Board, but no member of the Board shall be denied documents or information to which s/he is legally entitled and which are required in the performance of his/her duties as a Board member.

Access to Authority personnel records shall be subject to Board policy and State statute.

Information obtained from employee personnel records by members of the Board shall be used only for the purpose of aiding the members to fulfill their legal responsibilities in making decisions on such matters as appointments, assignments, promotions, demotions, remuneration, discipline, and dismissal, or to aid the development and implementation of personnel policies, or for such other uses as are necessary to enable the Board to carry out its legal responsibilities.

0149.1

### **Public Expressions of Members**

The Governing Board Chair shall function as the official spokesperson for the Board.

From time-to-time, however, individual Board members may make public statements on school matters to local media and/or to local or State officials.

Sometimes the letters imply, or the readers (listeners) infer, that the opinions expressed or statements made are the official positions of the Board. The misunderstandings that can result from these incidents can embarrass both the member and the Board. Therefore, Board members should, when writing or speaking on school matters to the media, legislators, and other officials make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

Under no circumstances shall Board members use e-mail to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

There should be no expectation of privacy for any messages sent by e-mail. Messages that have been deleted are still accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, are subject to disclosure under the Public Records Act, unless an exemption would apply.

0149.3

### **Board-Staff Communications**

The Governing Board is a policy making body and its individual members do not have authority to direct the day-to-day operations of the Authority or its employees. Nevertheless, the Board believes that open channels of communication between itself and the staff will benefit the Authority. The preferred line of official Authority communication should, however, be through the superintendent.

#### **A. Staff Communications to the Board**

All communications regarding official business of the Authority from staff members to the Board should be preferably submitted through the superintendent. The superintendent shall forward such communications received from staff members to the Board no later than seven (7) days following receipt.

If a staff member chooses to communicate directly with the Board regarding Authority business, then that communication should be sent to all members of the Board and the superintendent should be copied as well.

This communication protocol is not intended to deny any staff member his/her constitutional right of free speech or the right to appeal to or otherwise address the Board on important matters through established procedures.

#### **B. Board Communications to Staff**

All official communications, policies, and directives of the Board of staff interest and concern to the staff will generally be communicated through the superintendent, who shall also keep staff members informed of the Board's concerns and actions.

#### **C. Social Interaction**

Both staff and Board members share an interest in the schools and in education generally, and it is to be expected that when they interact at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the Authority. However, since Board members are not authorized to act on behalf of the Board unless in open public session or when specifically vested with such authority, Board members and members of the staff should not discuss individual personalities, personnel grievances, or other

complaints. Instead, such matters should be addressed in accordance with the procedures established in Board policy.

© Neola 2005

## Cape Coral Charter School Authority Bylaws & Policies

---

### 0150 - ORGANIZATION

#### 0151      **Organizational Meeting**

The Governing Board shall organize annually in the August meeting.

The Board shall, at the organizational meeting, designate a day, place, and time for regular and special meetings.

#### 0152      **Officers**

The organizational meeting shall be called to order by the Chair.

The officers shall then be elected by majority vote of members physically present and eligible to vote.

- A.      Officers shall serve until their respective successors are elected.
- B.      In the event that the office of Chair or Vice-Chair 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.

The Superintendent shall serve as the Board secretary.

The Superintendent shall be the executive officer of the Board.

#### 0152.1      **Officer Responsibilities**

- A.      The Chair of the Governing Board shall:
  - 1.      preside at all public meetings of the Board;
  - 2.      call special meetings of the Board;
  - 3.      appoint or provide for the selection of all committees;

4. sign notes, minutes, conveyances, contracts, and other legal instruments for which the signature of the Chair is required; and
5. perform other duties which may be prescribed by law or by action of the Board.

B. The Vice-Chair shall assume and discharge the duties of the Chair in his/her absence, disability, or disqualification, and perform other duties prescribed by the Board.

0153      **Appointees**

The Governing Board shall reach consensus in the selection of members as may be necessary to the various organizations, committees, and/or councils as may be required by law, Board policy, or as desired by the Board.

0155      **Committees**

The Governing Board may establish committees and sub-committees as the need arises.

The Board shall designate the standing committees.

Committees of Board members shall, when specifically charged to do so by the Board, conduct studies, make recommendations to the Board. Whenever a majority of a committee and/or sub-committee meets for any pre-arranged discussion of public business of that committee or sub-committee, it shall abide by the Sunshine Law. The law requires that the committee or sub-committee give public notice of each meeting as well as prepare, file, and maintain minutes of the proceedings. Such minutes shall also be available for inspection by the public.

0156      **Legal Counsel**

With the concurrence of the Cape Coral City Council, the Board may employ or retain an attorney to render legal services as are needed by the Board or superintendent for school matters.

© Neola 2007



## Cape Coral Charter School Authority Bylaws & Policies

---

### 0160 - MEETINGS

**0161                    Parliamentary Authority**

The Governing Board shall adhere to the parliamentary authority as determined by their legal counsel.

**0162                    Quorum**

Four (4) voting members present at a meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum.

F.S. 1001.37(4)

**0163                    Presiding Officer**

The Chair shall preside at all meetings of the Governing Board. In the absence, disability, or disqualification of the Chair, the Vice-Chair shall act instead; if neither person is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

**0164                    Notice of Meetings**

A schedule of the time and place for all regular meetings shall be published as required by law.

Notice of special meetings shall be made on the Authority's website sufficiently in advance of the meeting to allow the public to attend. Such notice shall contain the date, time, place, and purpose of the meeting.

F.S. 120.525, 120.81, 1001.372

**0165                    Meetings**

The Governing Board shall hold at least one (1) regular meeting each month, excluding July, and may call special meetings as needed. The sessions will be held in any appropriate public place in the City, provided due public notice is given.

## F.S. 1001.372

In accordance with law, all meetings at which official acts are to be taken are declared to be open public meetings, and no resolution, rule, policy, regulation, or formal action shall be considered binding except as taken or made at such a meeting. All meetings of the Board shall be open to the public, except as provided by Florida statute, and the order of business of any regular meetings shall include an opportunity for the public to address the Board, as provided in Bylaw 0169.1 below.

## F.S. 286.011, 447

## 0165.1

**Agendas**

The superintendent shall establish the agenda for Governing Board meetings in consultation with the Board Chair. The Board's legal counsel as well as individual members of the Board may place items for discussion on an agenda by advising the superintendent of their desire to do so. A motion to rescind or to amend action previously taken shall be timely placed on the agenda since either motion may be considered a "proposition". The superintendent shall establish reasonable procedures and deadlines for the receipt of requests to place items of business on the agenda and requests to make a presentation in the public discussion period. The agenda for Board meetings, hearings, and workshops shall be prepared in time to ensure that a copy of the agenda may generally be received seven (7) days before the event. After the agenda has been made available, changes shall be only for good cause, as determined by the person designated to preside, and stated in the record.

- A. The agenda of the regular monthly meeting or special meetings shall be accompanied by descriptive materials from the superintendent supporting such recommendations as s/he shall make.
- B. The agenda for each regular meeting shall be communicated to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda should be communicated seven (7) days prior to the meeting so as to provide time for the study of the agenda by the members. The agenda for a special meeting shall be communicated, if possible, at least twenty-four (24) hours before the meeting, consistent with provisions calling for special meetings.
- C. The Board shall transact business according to the agenda submitted to all Board members in advance of the meeting. The order of business may be altered and items added at any meeting by a majority vote of the voting members present.

## 0165.2

**Regular Meetings**

Regular meetings of the Governing Board shall be public and held at least once each month, excluding July.

In accordance with law, regular meetings shall be held at the time fixed at the annual organizational meeting. Such notification shall be made immediately after the annual organization meeting at which the Board fixes regular meeting dates and times. Should the date of a regular meeting fall on a holiday, the Board may change the meeting date at any prior meeting. Every Board member shall be notified of the change. The superintendent shall be responsible for public notice of changed meetings.

**0165.4 Recess**

The Governing Board may at any time move for a recess or intermission in the day's proceedings. If a recess is provided for in the agenda, the Chair, when the time arrives, announces the fact and says the assembly stands in recess, to the specified hour. When the Board meets at the time that the recess is to conclude, the Chair calls the assembly to order and the business proceeds as a continuation of the previous session. (Reference: Robert's Rules of Order, Newly Revised)

**0165.5 Adjourn**

The Governing Board may, at any time during a meeting, adjourn the meeting to a specified date and time. Before accepting a motion to adjourn, the Chair should be sure that no important matters have been overlooked. If there are announcements to be made they should be attended to before adjournment.

**0166 Executive Session**

The Governing Board reserves the right to meet privately in executive session for those issues authorized by law.

**0166.1 Workshop Meeting**

Workshop meetings may be called by the Chair of the Governing Board or a majority of Board members eligible to vote solely for the purpose of exploring matters that constitute the business of the System. Each Board member shall be notified of such workshop meetings. Notification shall include the general subject areas for discussion.

- A. The Superintendent, acting as secretary, shall take minutes of all matters discussed during workshop meetings to be read and approved at the next regular or special meeting.
- B. Workshop meetings are solely for the purpose of communicating information and general discussion. The Board shall take no formal action in a workshop meeting nor shall they agree to any decisions with respect to issues that may be brought forward at a regular or special Board meeting.

F.S. 1001.41

0167

**Voting**

All motions shall require for adoption a majority vote of those present and voting, except as provided by statute, these bylaws, or parliamentary authority. Upon the demand of any member of the Governing Board, the vote shall be recorded by roll call.

Abstentions shall only be permitted as authorized by law.

All actions requiring a vote can be conducted by voice vote or show of hands, unless a roll-call vote is requested or required. Each vote and abstention shall be recorded. Proxy voting is prohibited.

F.S. 286.012

Pursuant to State law, no Board member shall vote in an official capacity upon any measure which would inure to his/her special private gain or loss; which s/he knows would inure to the special private gain or loss of any principal by whom s/he is retained or to the parent organization or subsidiary of a corporate principal by which s/he is retained, other than an agency as defined in F.S. 112.312(2); or which s/he knows would inure to the special private gain or loss of a relative or business associate of the Board member. Such Board member shall, prior to the vote being taken, publicly state to the assembly the nature of the Board member's interest in the matter from which s/he is abstaining from voting. Such Board member shall make every reasonable effort to disclose the nature of his/her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for the State public officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than fifteen (15) days after the vote.

F.S. 112.3143, 286.012

0167.1

**Use of Authority-Issued Electronic Mail and Other Social Media**

All communication sent or received using a School Board member's Authority-issued E-mail account or any other social media is considered the same as written communication and may be subject to Florida's Public Records Act as set forth in F.S. Chapter 119. For purposes of this bylaw, social media includes but is not limited to webmail, text messages, instant messages, websites, software, and internet-based applications that facilitates communication and networking between individuals or groups.

Board members have no expectation of privacy when using Authority-

issued E-mail or other social media. Unless an exemption would apply, communications sent or received about Board business, whether using a Board member's Authority-issued E-mail account or any other social media are subject to retrieval and disclosure as a public record.

Under no circumstances shall Board members use Authority-issued E-mail accounts or other forms of social media to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

There should be no expectation of privacy for any messages sent by E-mail. Messages that have been deleted may still be accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, may be subject to disclosure under the Public Records Act, unless an exemption would apply.

Further, the Board prohibits adults from knowingly distributing to minors any material that is obscene and harmful to minors, as defined in F.S. 847.012, in any format through e-mail sent, or caused to be sent, to or through the Authority's network. An adult who knowingly distributes any such material to a minor through e-mail sent, or caused to be sent, to or through the Authority's network also commits a felony under State law.

F.S. Chapter 119, Chapter 286, 847.012

0168

## **Minutes**

The Superintendent shall act as secretary and shall cause to be kept official minutes of all meetings of the Board. The minutes shall include the time and place of the meeting, the members present, and the subjects considered. The minutes shall also include a summary of the deliberations sufficient for the public to understand the basis for the Governing Board's actions, the actions taken, the vote of each member on roll-call votes, and any other information required to be shown in the minutes by law. The minutes shall be available to the public.

The minutes of Board meetings shall usually be considered at the next regular meeting where they shall be corrected, if necessary, and approved.

Recordings shall be made of each meeting of the Board as an administrative aid and shall be preserved as public documents of the Board as required by State statute.

The approved minutes shall be filed in the City of Cape Coral clerk's office as a permanent record of official Board proceedings.

F.S. 1001.42

0169.1

**Public Participation at Board Meetings**

The Governing Board recognizes the value to school governance of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest.

In order to permit the fair and orderly expression of such comment, the Board shall provide a period for public participation at those public meetings of the Board during which action may be taken and publish rules to govern such participation in Board meetings.

The presiding officer of each Board meeting at which public participation is permitted shall administer the rules of the Board for its conduct.

The presiding officer shall be guided by the following rules:

- A. Public participation shall be permitted as indicated on the order of business and before the Board takes official position on any action item under consideration.
- B. Attendees must register their intention to participate in the public portion of the meeting upon their arrival at the meeting.
- C. Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name, address, and group affiliation, if and when appropriate.
- D. Each statement made by a participant shall be limited to three (3) minutes duration, unless extended by the presiding officer. Persons will be recognized in the order in which the requests were received.
- E. All statements shall be directed to the presiding officer; no person may address or question Board member individually. Staff members shall not be expected to answer questions from the audience unless called upon by the Board Chair or the Superintendent.
- F. Tape or video recordings are permitted under the following conditions:
  - 1. No obstructions are created between the Board and the audience.
  - 2. No interviews are conducted in the meeting room while the Board is in session.

3. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session.

G. The presiding officer may:

1. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
2. request any individual to leave the meeting when that person does not observe reasonable decorum;
3. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
4. call for a recess or continue the meeting to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.

No Board action shall be taken on requests made during public discussion unless the Board declares the matter to be an emergency in accordance with current law. Any other requests that the Board chooses to take action on shall be placed on an agenda for a subsequent meeting.

The requirement for public comment on action items does not apply to:

- A. an official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the Board to act;
- B. an official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- C. a meeting that is exempt from F.S. 286.011 (the Public Meetings Law); or
- D. a meeting at which the Board is sitting in its quasi-judicial capacity.

These exceptions do not affect the right of a person to be heard as otherwise required by law or Board policy.

F.S. 286.011, 286.0114

© Neola 2015



## Cape Coral Charter School Authority Bylaws & Policies

---

### 0170 - DUTIES

The Governing Board is committed to an inclusive governance model so that policy focuses on student learning.

#### 0171 **Review of Policy**

The superintendent shall recommend for the Board's consideration and adoption revisions to current policies or new policies as often as necessary so that the Governing Board policies are correct and statutorily compliant.

F.S. 120.74

Board policies and procedures must include standards for screening, hiring, and terminating instructional personnel and school administrators as defined in the charter and F.S. 1012.01; standards of ethical conduct for instructional personnel and school administrators; the duties of instructional personnel and school administrators for upholding the standards; detailed procedures for reporting alleged misconduct by instructional personnel and school administrators which affects the health, safety, or welfare of a student; requirements for the reassignment of instructional personnel or school administrators pending the outcome of a misconduct investigation; and penalties for failing to comply with F.S. 1001.51 or 1012.795. The Board policies and procedures shall include appropriate penalties for all personnel of the Board for nonreporting and procedures for promptly informing the Authority of each legally sufficient complaint.

F.S. 1012.796(d)

The Board will also evaluate how policies have been implemented and their general effectiveness. The Board will rely on such metrics as summaries of surveys administered to the school staff, students, and community; student data collected by the Authority, including, but not limited to, student assessment results, graduation statistics, and attendance records; financial reports; and other relevant information to provide evidence of the effect of the policies it has adopted.

The superintendent shall require that all policy manuals and administrative procedure manuals are updated following Board approval of recommended revisions and additions.

#### 0175.1 **Board Conferences, Conventions, and Workshops**

The Governing Board recognizes the value of membership and

attendance at conferences and meetings at the local, county, State, and national level.

Attendance at local, county, State, and national workshops and conferences is encouraged.

Each Board member is expected to report back to the Board after attending a conference at Authority expense.

Travel and personal expenses of spouse, children, or other guest traveling with a Board member shall be the responsibility of the Board member or of the individual. Expenses for convention functions attended as a group will be borne by the System within budgetary limits. The Superintendent shall include an amount in each proposed annual budget to cover expenses to support the participation of the Board in activities and programs conducted by the State and other organizations as the Board chooses. Any reimbursement for Board member travel must be approved in advance by the Board.

© Neola 2008