

**STATUTORY POWERS AND DUTIES OF SCHOOL BOARD MEMBERS
AND THE SUPERINTENDENT**

DUTIES/RESPONSIBILITIES	ASSIGNED POWER	FLORIDA STATUTE & FAC CITATION(S)
BUDGET AND FINANCE		
1. Provide for the operation of school for a term of 180 days.	School Board	Sections 1001.42(12) and 1003.02(1)(g), Florida Statutes
2. Arrange for the levying of district school taxes necessary to provide the amount needed from district sources to operate the district.	School Board	Sections 1001.42(12) and 1003.02(1)(g), Florida Statutes
3. Cause to be prepared and then adopt the annual school budget. A copy of the adopted budget is to be sent to the Florida Department of Education (DOE).	School Board	Sections 1001.42(12) and 1003.02(1)(g), Florida Statutes
4. Require accurate accounting.	School Board	Section 1001.42(12), Florida Statutes
5. Borrow money.	School Board	Section 1001.42(12), Florida Statutes
6. Make available all records for proper audit by state officials or an independent certified public accountant.	School Board	Section 1001.42(12), Florida Statutes
7. Implement a system of accounts to assure that payments do not exceed amounts budgeted.	School Board	Section 1001.42(12), Florida Statutes
8. File periodic statements with the Florida Department of Education.	School Board	Section 1001.42(12)(13), Florida Statutes
9. Fix and prescribe bonds and pay bond premiums.	School Board	Section 1001.42(12)(13), Florida Statutes
10. Contract for materials and supplies and other services.	School Board	Section 1001.42(12)(13), Florida Statutes
11. Secure up-to-date purchasing regulations from the Florida Department of Management Services and give consideration to the lowest price available under such regulations.	School Board	Section 1001.42(12), Florida Statutes
12. Provide for adequate protection against any loss or damage to school property, including liability.	School Board	Section 1001.42(12), Florida Statutes
13. May employ an internal auditor.	School Board	Sections 1001.42(12) and 1001.42(12)(l), Florida Statutes
14. May contract with an independent certified public accountant to conduct an audit.	School Board	Sections 1001.42(12)(m) and 1001.43(2), Florida Statutes

DUTIES/RESPONSIBILITIES	ASSIGNED POWER	FLORIDA STATUTE & FAC CITATION(S)
BUDGET AND FINANCE		
15. May adopt policies providing for fiscal management of the school district; for example, policies governing school purchasing, fundraisers, sales by booster clubs, disposal of district property, district budgeting system, etc.	School Board	Sections 1001.42(12) and 1001.43(2), Florida Statutes
16. Prepare and present to the school board the proposed budget by a specific date and in balanced form.	Superintendent	Section 1001.51(11), Florida Statutes
17. Provide a monthly financial statement (pursuant to Florida State Board of Education Rules) AND an annual financial statement to the school board and Florida Department of Education.	Superintendent	Section 1001.51(11), Florida Statutes
18. Maintain accurate records of all financial transactions.	Superintendent	Section 1001.51(11), Florida Statutes
19. Recommend policies, plans, and procedures for investments, protection against loss, and tax levies.	Superintendent	Section 1001.51(11), Florida Statutes
20. Recommend, on the basis of needs, the amount of the district school tax levy necessary to provide the funds needed for: <ul style="list-style-type: none"> • Maintenance of schools; • District bond interest and sinking fund; • Inclusion on the ballot at each district millage election to carry on the school program. 	Superintendent	Section 1001.51(11), Florida Statutes
21. Keep an accurate account of all funds transmitted and expected to the school district and report promptly to the school board any delinquencies or delays that occur.	Superintendent	Section 1001.51(11), Florida Statutes
22. Recommend, when necessary, the borrowing of money.	Superintendent	Section 1001.51(11), Florida Statutes
23. Keep or have kept accurate records of all financial transactions.	Superintendent	Section 1001.51(11), Florida Statutes
24. Maintain accurate and current statements of accounts due and certify these statements as correct.	Superintendent	Section 1001.51(11), Florida Statutes
25. Liquidate board obligations in accordance with district school board rules.	Superintendent	Section 1001.51(11), Florida Statutes

DUTIES/RESPONSIBILITIES	ASSIGNED POWER	FLORIDA STATUTE & FAC CITATION(S)
BUDGET AND FINANCE		
26. Prepare and file copies of periodic reports, required by State Board of Education Rules, with the Florida Department of Education.	Superintendent	Section 1001.51(11), Florida Statutes
27. Recommend employees who should be bonded as safeguards for funds or property.	Superintendent	Section 1001.51(11), Florida Statutes
28. Recommend contracts for supplies, materials, and services and ensure provisions of contracts are followed.	Superintendent	Section 1001.51(11), Florida Statutes
29. Recommend policies to provide for the investment or deposit of funds not needed for immediate expenditure.	Superintendent	Section 1001.51(11), Florida Statutes
30. Invest or deposit all monies not immediately needed for expenditure in accordance with district school board rules.	Superintendent	Section 1001.51(11), Florida Statutes
31. Recommend programs or procedures to protect the district against loss or damage to school property or against other liabilities for which the school district is responsible.	Superintendent	Section 1001.51(11), Florida Statutes
32. Recommend plans and procedures for holding and supervising all district millage elections.	Superintendent	Section 1001.51(11), Florida Statutes
33. Prepare, after consulting with principals, tentative annual budgets.	Superintendent	Section 1001.51(11), Florida Statutes
34. Recommend amounts of bonds to be issued in the school district and assist in preparation of necessary paperwork for holding a bond election.	Superintendent	Section 1001.51(11), Florida Statutes
35. If approved by voters, recommend plans for sale of bonds and proper expenditure of funds derived from the sale.	Superintendent	Section 1001.51(11), Florida Statutes

DUTIES/RESPONSIBILITIES	ASSIGNED POWER	FLORIDA STATUTE CITATION(S)
PERSONNEL		
36. Establish and designate positions to be filled.	School Board	Sections 1001.42(5) and 1012.22, Florida Statutes
37. Adopt a salary schedule or salary schedules for all employees.	School Board	Section 1012.22(5), Florida Statutes
38. Act on the superintendent's recommendation to fill positions.	School Board	Section 1012.22, Florida Statutes
39. Appoint individuals to the position of school principal without educator certification.	School Board	Section 1001.42(5)(b), Florida Statutes
40. May reject a nomination for "good cause."	School Board	Section 1012.22, Florida Statutes
41. Proceed on its own motion if the superintendent does not offer a qualified person under these circumstances: <ul style="list-style-type: none"> • Failure to submit a recommendation within the time prescribed by law. • Failure to nominate a person to fill a vacancy within a reasonable time. • The first, second, and third nominations are rejected for good causes. 	School Board	Section 1012.22(1)(a), Florida Statutes
42. Adopt a salary schedule with differentiated pay for both instructional staff and school-based administrators.	School Board	Section 1012.22, Florida Statutes
43. Provide written contracts for instructional staff.	School Board	Section 1012.22, Florida Statutes
44. Act on the superintendent's recommendation regarding transfer and promotions of personnel.	School Board	Section 1012.22(1)(c), Florida Statutes
45. Adopt policies and procedures necessary for the management of all school district personnel.	School Board	Section 1001.43(11), Florida Statutes
46. Suspend, dismiss, and return instructional and other school employees to annual contract status.	School Board	Sections 1012.22(1)(f) and 1012.23, Florida Statutes

DUTIES/RESPONSIBILITIES	ASSIGNED POWER	FLORIDA STATUTE CITATION(S)
PERSONNEL		
47. Direct the work of personnel.	Superintendent	Sections 1001.51(7) and 1012.27(7), Florida Statutes
48. Select and nominate persons to fill authorized positions.	Superintendent	Section 1012.27(1), Florida Statutes
49. Recommend transfers, suspensions, and dismissals of personnel as are needed.	Superintendent	Section 1012.27(5), Florida Statutes
50. Recommend salary schedules and contracts.	Superintendent	Section 1012.27(2), Florida Statutes
51. Conduct background checks.	Superintendent	Section 1012.27(6), Florida Statutes

IMPORTANT COURT CASES DEALING WITH PERSONNEL ISSUES – GOOD CAUSE

The Florida Supreme Court held that the nomination of a teacher is final unless some moral or professional disqualification is shown.

In Arnold v. State, the Florida Supreme Court held that, while the school board need not accept the recommendations of persons not physically or morally qualified to meet its requirements, it could not reject the superintendent's nominations on personal or other grounds.

In the case of Armistead v. State, the Florida Supreme Court held that nomination could not be rejected "unless a good cause or reason for the rejection was made to appear" and declared it beyond the power of the board to arbitrarily and capriciously reject the nomination of a competent and qualified teacher.

In the case of rejection of a nominee, the school board must state in clear terms the grounds or charges on which the rejection was based.

In State ex rel. Carter v. Platt, the Florida Supreme Court stated that the grounds for rejection must be: ". . . clothed in terms so definite and specific that he may know what he is charged with and defend against them . . ."

IMPORTANT COURT CASE DEALING WITH PERSONNEL TRANSFERS

In McCalister v. School Board of Bay County, Florida's First District Court of Appeal found that the school board's authority to act on nominations and transfer recommendations of a superintendent is limited to acceptance or rejection on consideration of good cause.

The school board was recognized as having the power to reject an appointment of transfer under limited circumstances but not to mandate that the superintendent keep a certain person in a particular position.

DUTIES/RESPONSIBILITIES	ASSIGNED POWER	FLORIDA STATUTE CITATION(S)
TRANSPORTATION		
52. Transport students to public school and school activities they are required to attend and adhere to eligibility criteria for transporting students as prescribed in Florida Statutes.	School Board	Sections 1001.42(10), 1003.02(1)(e), and 1006.21(3), Florida Statutes
53. Authorize efficient and economical transportation routes.	School Board	Sections 1001.42(10), 1003.02(1)(e), and 1006.21(3), Florida Statutes
54. Provide transportation facilities.	School Board	Sections 1001.42(10) and 1006.21(3), Florida Statutes
55. Adopt policies and regulations to ensure safety, economy, and efficiency in the operation of buses.	School Board	Sections 1001.42(10), 1003.02(1)(e), and 1006.21(3), Florida Statutes
56. Adopt policy to address liability for trips sponsored by the school board or a school.	School Board	Sections 1001.42(10), 1003.02(1)(e), and 1006.21(3), Florida Statutes
57. Make provisions for reciprocal policies and agreements for school bus transportation services in contiguous school districts.	School Board	Sections 1003.02(1)(e) and 1006.21(3), Florida Statutes
58. Identify eligible students for transportation.	Superintendent	Sections 1001.51(9) and 1006.21(1), Florida Statutes
59. Determine the most effective arrangement of transportation routes.	Superintendent	Sections 1001.51(9) and 1006.21(1), Florida Statutes
60. Recommend plans, procedures, and routes for the safe and economical transportation of students.	Superintendent	Sections 1001.51(9) and 1006.21(1), Florida Statutes
61. Recommend rules and regulations to ensure Florida Statutes and State Board of Education Rules are adhered to and followed.	Superintendent	Sections 1001.51(9) and 1006.21(1), Florida Statutes

DUTIES/RESPONSIBILITIES	ASSIGNED POWER	FLORIDA STATUTE CITATION(S)
EDUCATIONAL PROGRAMS		
62. Provide adequate instructional materials that are consistent with district goals and curriculum framework adopted in State Board of Education Rules PLUS all state and district performance standards.	School Board	Sections 1001.42(9), 1001.43(3), 1003.02(1)(d), and 1006.28(1), Florida Statutes
63. Adopt a school program and courses of study.	School Board	Sections 1003.02(1)(d) and 1006.28(1), Florida Statutes
64. Provide for the care of all instructional materials: <ul style="list-style-type: none"> • Proper requisitioning; • Distribution; and, • Storage, care, and use. 	School Board	Sections 1001.43(3), 1003.02(1)(d), and 1006.28(1), Florida Statutes
65. Provide teaching accessories and aids.	School Board	Sections 1001.43(3), 1003.02(1), and 1006.28(1), Florida Statutes
66. Establish and maintain school library and media center services for all schools.	School Board	Sections 1001.43(3) and 1006.28(1), Florida Statutes
67. Adopt policies providing for innovative teaching techniques, teaching programs and methods, and instructional aids.	School Board	Section 1001.43(3), Florida Statutes
68. Adopt rules for admitting, classifying, promoting, and graduating students.	School Board	Section 1003.02(1), Florida Statutes
69. Enforce laws and rules relating to student attendance at schools.	School Board	Sections 1001.42(4)(8) and 1003.02(1)(b), Florida Statutes
70. Establish schools and adopt enrollment plans that may include school attendance areas and open enrollment provisions.	School Board	Section 1001.42(4)(8), Florida Statutes
71. Provide adequate educational facilities for all children without payment of tuition.	School Board	Section 1001.42(4)(8), Florida Statutes
72. Eliminate and consolidate schools.	School Board	Section 1001.42(4)(8), Florida Statutes
73. May provide public evening schools.	School Board	Section 1001.42(4), Florida Statutes
74. Provide for the classification and standardization of school.	School Board	Sections 1001.42(4) and 1003.02(1)(d), Florida

DUTIES/RESPONSIBILITIES	ASSIGNED POWER	Statutes FLORIDA STATUTE CITATION(S)
EDUCATIONAL PROGRAMS		
75. Adopt policies for the opening and closing of school. <i>Note: The opening date shall not be earlier than fourteen (14) days before Labor Day.</i>	School Board	Sections 1001.42(4) and 1003.02(1)(d)14.(g), Florida Statutes
76. Provide for the establishment and maintenance of career schools, departments, classes, or school-within-a-school.	School Board	Sections 1001.41(3), 1001.42(4)(h), and 1003.02(1)(d), Florida Statutes
77. Provide an appropriate program of special education, facilities, and services for exceptional students.	School Board	Sections 1001.42(4)(l), 1003.57, and 1003.571, Florida Statutes
78. Provide for alternative educational programs for all students in residential care facilities.	School Board	Sections 1001.42(4)(m) and 1003.58, Florida Statutes
79. Offer educational services for students in detention centers.	School Board	Sections 1001.42(4)(n) and 1006.07(5), Florida Statutes
80. Maintain a system of school improvement and education accountability as provided by Florida Statutes and State Board of Education Rules.	School Board	Section 1001.42(18), Florida Statutes
81. Recommend plans for textbooks and instructional materials for the improvement of the system.	Superintendent	Sections 1001.51(8) and 1006.28(2), Florida Statutes
82. Supervise data collection and prepare and recommend a planned school program for the entire school district.	Superintendent	Section 1001.51(5), Florida Statutes
83. Recommend all operations necessary to provide adequate educational opportunities for all children.	Superintendent	Sections 1001.51 and 1006.28(2), Florida Statutes

DUTIES/RESPONSIBILITIES	ASSIGNED POWER	FLORIDA STATUTE CITATION(S)
SAFETY		
84. Provide the proper attention to the health, safety, and other matters of student welfare.	School Board	Sections 1001.42(8), 1001.43(7), and 1006.07(3)(4)(6), Florida Statutes
85. Implement a student crime watch program.	School Board	Section 1006.07(3), Florida Statutes
86. Adopt policies and procedures for emergency drills.	School Board	Sections 1001.43(7), and 1006.07(6), Florida Statutes
87. Establish a model emergency management and preparedness procedures for life threatening emergencies.	School Board	Sections 1001.42(8), 1001.43(7), and 1006.07(3)(4)(6), Florida Statutes
88. Adopt programs and policies to ensure appropriate responses in emergency situations.	School Board	Sections 1001.42(8), 1001.43(7), and 1006.07(3)(4)(6), Florida Statutes
89. Conduct a self-assessment of the school district's current safety and security practices.	School Board	Sections 1001.42(8), 1001.43(7), and 1006.07(6), Florida Statutes
90. Recommend plans for the proper attention to the health, safety, and welfare of students.	Superintendent	Sections 1006.07(6) and 1006.08, Florida Statutes
91. Recommend strategies and activities to be implemented based on the results of the school district's self-assessment of safety and security measures.	Superintendent	Sections 1006.07(6) and 1006.08, Florida Statutes
92. Report the results of the school district's self-assessment of safety and security measures AND the school board's actions to the Commissioner of Education within thirty (30) days of the school board meeting at which action was taken.	Superintendent	Section 1006.07(6), Florida Statutes

DUTIES/RESPONSIBILITIES	ASSIGNED POWER	FLORIDA STATUTE CITATION(S)
STUDENT WELFARE		
<p>93. The school board must annually adopt a code of student conduct for elementary schools AND a code of student conduct for middle and high schools. The code must be distributed to all students, parents, teachers, and school personnel AND must contain a zero-tolerance policy for violent crimes. District policies must be consistent with recent court decisions.</p>	<p>School Board</p>	<p>Sections 1003.02(1)(c), 1006.07(2), and 1006.13, Florida Statutes</p>
<p>94. Provide for the accounting of all school age students and for the attendance and control of students during school.</p>	<p>School Board</p>	<p>Sections 1001.42(8), 1001.43(1), 1003.02(1), and 1006.07(1), Florida Statutes</p>
<p>95. Support the authority of each teacher and school bus driver to remove students who are disobedient, disrespectful, violent, abusive, or uncontrollable.</p>	<p>School Board</p>	<p>Sections 1001.42(8)(b), and 1006.07(2)(h), Florida Statutes</p>
<p>96. Adopt policies for the control, discipline, in-school suspension, and expulsion of students.</p>	<p>School Board</p>	<p>Sections 1001.42(8), 1001.43(1), 1003.02(1), and 1006.07(1), Florida Statutes</p>
<p>97. May prohibit the use of corporal punishment IF a written program of alternative control or discipline has been established.</p>	<p>School Board</p>	<p>Section 1006.07(1), Florida Statutes</p>
<p>98. May adopt programs and policies to ensure the safety and welfare of the student body.</p> <p><u>EXAMPLES</u></p> <ul style="list-style-type: none"> • Requiring school uniforms • Student protest and Demonstrations 	<p>School Board</p>	<p>Sections 1001.42(8), 1001.43(1), 1003.02(1), and 1006.07(1), Florida Statutes</p>
<p>99. Decide all student cases recommended for expulsion.</p>	<p>School Board</p>	<p>Sections 1003.02(1) and 1006.07(1), Florida Statutes</p>
<p>100. Require new students at the time of registration to note previous school expulsion, arrest resulting in charges, and any juvenile justice actions.</p>	<p>School Board</p>	<p>Section 1006.07(1), Florida Statutes</p>
<p>101. Establish policies that allow accumulated unexcused tardies and early departures from school to be recorded as unexcused absences.</p>	<p>School Board</p>	<p>Section 1003.02(1), Florida Statutes</p>

DUTIES/RESPONSIBILITIES	ASSIGNED POWER	FLORIDA STATUTE CITATION(S)
STUDENT WELFARE		
102. Recommend plans for the proper accounting of all students and for attendance and control of students during school.	Superintendent	Section 1006.08(1), Florida Statutes
103. Support the authority of principals, teachers, and bus drivers to remove students when appropriate.	Superintendent	Section 1006.08(1), Florida Statutes
104. Place such students in alternative settings if appropriate.	Superintendent	Section 1006.08(1), Florida Statutes
105. Recommend expulsions and notify each student and the student's parent in writing of the charges against the student and the student's right to due process.	Superintendent	Section 1006.08(1), Florida Statutes
106. Extend a student's suspension period when an expulsion is pending before the school board.	Superintendent	Section 1006.08(1), Florida Statutes

DUTIES/RESPONSIBILITIES	ASSIGNED POWERS	FLORIDA STATUTE CITATION(S)
FACILITIES		
107. Control property and convey the title to real and personal property in accordance with State Board of Education Rules.	School Board	Sections 1001.42(2)(11), 1001.43(4), and 1003.02(1)(f), Florida Statutes
108. Approve and adopt a district-wide school building and facilities program.	School Board	Sections 1001.42(11), 1001.43(4), and 1003.02(1)(f), Florida Statutes
109. Select and purchase school sites.	School Board	Sections 1001.42(2)(11), 1001.43(4), and 1003.02(1)(f), Florida Statutes

DUTIES/RESPONSIBILITIES	ASSIGNED POWERS	FLORIDA STATUTE CITATION(S)
FACILITIES		
110. Enter into leases or lease-purchase agreements.	School Board	Sections 1001.42(11), 1001.43(4), and 1003.02(1)(f), Florida Statutes
111. Provide for proper supervision of construction.	School Board	Sections 1001.42(11) and 1003.02(1), Florida Statutes
112. Make or contract for additions, alterations, and repairs to school buildings and property.	School Board	Sections 1001.42(11) and 1003.02(1), Florida Statutes
113. Ensure that all plans for buildings are economical and provide for student safety and welfare.	School Board	Sections 1001.42(11) and 1003.02(1), Florida Statutes
114. Provide for maintenance and upkeep.	School Board	Sections 1001.42(11), 1001.43(4), and 1003.02(1)(f), Florida Statutes
115. Provide for the utilities for operating schools.	School Board	Section 1001.42(11), Florida Statutes
116. May adopt policies providing for management of the physical campus and its environs. <u>EXAMPLES</u> Energy conservation Fencing Landscaping	School Board	Section 1001.43(4)(12), Florida Statutes
117. May use school property to provide affordable housing for teachers and other district personnel.	School Board	Section 1001.43(12), Florida Statutes
118. Recommend and execute all approved plans regarding all phases of the school facilities program (prescribed in Chapter 1013 "Educational Facilities," Florida Statutes).	Superintendent	Section 1001.51(4)(10)(20), Florida Statutes
119. Act as custodian of school property.	Superintendent	Section 1001.51(4), Florida Statutes
120. Leave with the school board and make available to his/her successor a complete inventory of equipment and property.	Superintendent	Section 1001.51(20), Florida Statutes

DUTIES/RESPONSIBILITIES	ASSIGNED POWER	FLORIDA STATUTE CITATION(S)
GENERAL POWERS		
121. Determine policies and programs for operating the school district.	School Board	Section 1001.41, Florida Statutes
122. Adopt rules to implement provisions of state law.	School Board	Section 1001.41, Florida Statutes
123. Prescribe and adopt standards to provide each student the opportunity to receive a complete educational program.	School Board	Section 1001.41, Florida Statutes
124. Contract, sue, and be sued.	School Board	Section 1001.41, Florida Statutes
125. Perform duties and exercise responsibilities assigned by Florida Statutes and State Board of Education Rules.	School Board	Section 1001.41, Florida Statutes
126. Assign students to schools.	School Board	Section 1001.41, Florida Statutes
127. Enter into agreements for accepting credit cards, charge cards, and debit card payments to compensate for goods and services.	School Board	Section 1001.41, Florida Statutes
128. Exercise general oversight of the school district to determine problems and needs and recommend improvements.	Superintendent	Section 1001.49, Florida Statutes
129. Advise and counsel the school board on all educational matters and recommend to the school board for action matters as should be acted upon.	Superintendent	Section 1001.49, Florida Statutes
130. Recommend to the school board policies for adoption, which are necessary for efficient operations.	Superintendent	Section 1001.49, Florida Statutes
131. Recommend rules (policies) to the school board to supplement State Board of Education Rules as appropriate.	Superintendent	Section 1001.49, Florida Statutes
132. Execute rules (policies) adopted by the district school board.	Superintendent	Section 1001.49, Florida Statutes

DUTIES/RESPONSIBILITIES	ASSIGNED POWER	FLORIDA STATUTE CITATION(S)
GENERAL POWERS		
133. Recommend to the school board minimum standards relating to any phase of the school district.	Superintendent	Section 1001.49, Florida Statutes
134. Execute, after adoption by the school board, minimum standards relating to the school district.	Superintendent	Section 1001.49, Florida Statutes
135. Perform duties and exercise responsibilities as assigned by Florida Statutes and State Board of Education Rules.	Superintendent	Section 1001.49, Florida Statutes