

Office of Superintendent of Schools
Board Meeting of December 12, 2001

November 28, 2001

Johnny Brown, School Board Attorney

**SUBJECT: PROPOSED PROMULGATION OF NEW SCHOOL BOARD RULE: FINAL
READING 6Gx13- 1B-1.032, BI-RACIAL TRI-ETHNIC COMMITTEE**

The School Board of Miami-Dade County, Florida, announced on October 24, 2001 its intention to promulgate new School Board Rule 6Gx13- 1B-1.032, Bi-Racial Tri-Ethnic Committee, at the meeting of December 12, 2001. By order of June 21, 2001, as modified on August 16, 2001, United States District Judge William P. Dimitrouleas declared this school system unitary and relinquished supervision over the District, effective June 30, 2002. The Court stated that in the natural progression of returning control and decision-making to the School Board, control over the Bi-Tri Committee would rest with the School Board.

The Notice of Intended Action was published in the *Miami Daily Business Review* on October 30, 2001, posted in various places for public information and mailed to various organizations representing persons affected by the new rule and to individuals requesting notification.

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with the provisions of the Administrative Procedure Act, this new rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the proposed new rule.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt new School Board Rule 6Gx13- 1B-1.032, Bi-Racial Tri-Ethnic Committee, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective December 12, 2001.

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 24, 2001, its intention to promulgate new School Board Rule 6Gx13- 1B-1.032, Bi-Racial Tri-Ethnic Committee, at its meeting of December 12, 2001.

PURPOSE AND EFFECT: To establish a School Board Bi-Racial Tri-Ethnic Committee as authorized by Judge Dimitrouleas in *Pate v. The School Board of Miami-Dade County, Florida*, Case No. 69-1020-CIV-Dimitrouleas.

SUMMARY: The Bi-Racial Tri-Ethnic Committee will review issues pertaining to the successful maintenance of a multicultural school system, including recruitment and diversity of personnel, transportation, selection of school sites, and establishment of attendance zones.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22(2); 230.23(22) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: *Pate v. The School Board of Miami-Dade County, Florida*, Case No. 69-1020-CIV-Dimitrouleas, Order of June 21, 2001 as modified by order of August 16, 2001.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF December 12, 2001, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1) F.S., must do so in writing by November 19, 2001, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

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Originator: Mr. Johnny Brown
Date: October 22, 2001

Participation by the Public**BI-RACIAL TRI-ETHNIC COMMITTEE**

During the court supervised desegregation process of the Miami-Dade County School System, United States District Judge C. Clyde Atkins appointed a Bi-Racial Committee of twelve citizens which reported to the Court and which was to assist the Court and the School board in implementing the desegregation plan. Subsequently, the committee was renamed the Bi-Racial Tri-Ethnic Committee (Bi-Tri Committee).

By order of June 21, 2001, as modified on August 16, 2001, United States District Judge William P. Dimitrouleas declared this school system unitary and relinquished supervision over the District effective June 30, 2002. The Court stated that in the natural progression of returning control and decision-making to the School Board, control over the Bi-Tri Committee (including renaming the committee if deemed appropriate) would rest with the School Board. The Court further ordered that

“...effective today, The School Board of Miami-Dade County shall have control over the appointment of members, including the terms and method of appointment. The terms of the current members shall end on December 31, 2001, and they shall remain on the Committee until that date, thus allowing for some overlap between the current members and any new members, unless current members individually choose otherwise. It is hoped that the current chairperson, Mr. James Howe, will remain the Chairman through at least December 31, 2001. Starting from today, the School Board may appoint additional members to the Committee and/or reappoint current members at their sole and unreviewable discretion, for such length of terms as the School Board shall determine;”

In accordance with the order of Judge Dimitrouleas, commencing January 1, 2002, an advisory committee, the School Board Bi-Tri Committee, which reports to the School Board is created. The Committee shall be comprised of eleven members, one to be appointed by each School Board member, and two to be appointed by the Superintendent. The initial term of the committee members appointed by Board members from odd numbered districts and one of the Superintendent's appointees shall be four years and the remaining five members will serve for two years. Thereafter, all appointments will be for a term of four years except for appointments to serve out an un-expired term, which shall end on the date when the original appointment would have ended. Any vacancies on the committee between the adoption of this rule and December 31, 2001 shall be filled by majority vote of the School Board on a recommendation to be made by the Chair of the Board.

The Bi-Tri Committee shall review issues pertaining to the successful maintenance of a multicultural school system, including such matters as the recruitment and diversity of personnel, transportation of students, selection of school sites, establishment of attendance zones and other matters as may be assigned by the School Board from time to time.

Specific Authority: 230.22(2); 230.23(22) F.S.
Law Implemented, Interpreted, or Made Specific: Pate v. The School Board of Miami-Dade County, Florida, Case No. 69-1020-CIV-Dimitroff, Order of June 21, 2001 as modified by order of August 16, 2001.

History
New:

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA