

Merrett R. Stierheim, Superintendent of Schools

**SUBJECT: PROPOSED PROMULGATION OF NEW SCHOOL BOARD RULE:
FINAL READING 6Gx13- 8C-1.011, ROLE AND AUTHORITY OF THE
SCHOOL BOARD AS LICENSEE/TRUSTEE OF WLRN-TV AND WLRN-
FM**

The School Board of Miami-Dade County, Florida, announced on March 13, 2002 its intention to promulgate new School Board Rule 6Gx13- 8C-1.011, Role and Authority of the School Board as Licensee/Trustee of WLRN-TV and WLRN-FM, and the document, Editorial Integrity Policy and Advisory Mechanisms for WLRN Public Television and Radio, at the meeting of April 17, 2002.

The Notice of Intended Action was published in the *Miami Daily Business Review* on March 18, 2002, posted in various places for public information and mailed to various organizations representing persons affected by the amended 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, the proposed new rule, and the document, **Editorial Integrity Policy and Advisory Mechanisms for WLRN Public Television and Radio**, which is incorporated by reference in the rule.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt new School Board Rule 6Gx13- 8C-1.011, Role and Authority of the School Board as Licensee/Trustee of WLRN-TV and WLRN-FM, and the document, Editorial Integrity Policy and Advisory Mechanisms for WLRN Public Television and Radio, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective April 17, 2002.

C-20

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on March 13, 2002, its intention to promulgate new School Board Rule 6Gx13- 8C-1.011, Role and Authority of the School Board as Licensee/Trustee of WLRN-TV and WLRN-FM, and the document, Editorial Integrity Policy and Advisory Mechanisms for WLRN Public Television and Radio, which is incorporated by reference in the rule, at its meeting of April 17, 2002.

PURPOSE AND EFFECT: The proposed promulgation of the new School Board Rule and the document is to ensure editorial integrity and advisory mechanisms for WLRN-TV and WLRN-FM Public Radio.

SUMMARY: This rule and its document sets forth the School Board's mission of providing educational services, information, and entertainment to the South Florida community by ensuring its broadcast management remains accountable and responsive in its programming decision-making, as well as conforming to sound fiscal and management practices.

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

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 235.40, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF April 17, 2002, 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 April 8, 2002, 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.

Originator: Ms. Perla Tabares Hantman
Date: March 11, 2002

Methods of Operation

ROLE AND AUTHORITY OF THE SCHOOL BOARD AS LICENSEE/TRUSTEE OF WLRN-TV AND WLRN-FM

The mission of WLRN-TV Channel 17 and WLRN-FM 91.3 Public Radio, licensed by The School Board of Miami-Dade County, Florida (School Board), is to provide educational services, information, and entertainment to the South Florida community through the highest quality television and radio programming and innovative communications technologies.

The Federal Communications Commission (FCC) has issued its licenses for the stations to the School Board, therefore, the School Board is responsible for the operation of the stations, as well as establishing programming policy and guidelines that provide the South Florida community with balanced programming of education services, information and entertainment while consistently adhering to all applicable federal, state and local laws.

In its role and authority as Licensee/Trustee of WLRN-TV Channel 17 and WLRN-FM 91.3 Public Radio and consistent with its mission, the School Board has established specific procedures set forth in the document, **Editorial Integrity Policy and Advisory Mechanisms for WLRN Public Television and Radio**, which is incorporated by reference in this rule and a part hereof, to ensure that through its broadcast management, WLRN-TV Channel 17 and WLRN-FM 91.3 Public Radio remain accountable and responsive in its programming decision-making, and to have WLRN-TV Channel 17 and WLRN-FM 91.3 Public Radio conform to sound fiscal and management practices complying with requirements relating to the use of local, state and federal funds, and individual and corporate contributors.

The document, **Editorial Integrity Policy and Advisory Mechanisms for WLRN Public Television and Radio**, is on file in the Citizens Information Center and in the Office of Board Recording Secretary.

Specific Authority: 230.22(2); 230.23(22), F.S.

Law Implemented, Interpreted, or Made Specific: 235.40, F.S.

History:

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New:

**EDITORIAL INTEGRITY POLICY AND
ADVISORY MECHANISMS FOR
WLRN PUBLIC TELEVISION AND RADIO**

MIAMI-DADE COUNTY PUBLIC SCHOOLS

School Board Rule 6Gx13–8C-1.011
Final Reading: April 17, 2002

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Ms. Perla Tabares Hantman, Chair

Dr. Michael M. Krop, Vice Chair

Mr. Frank J. Bolaños

Mr. Frank J. Cobo

Dr. Robert B. Ingram

Ms. Betsy H. Kaplan

Mrs. Manty Sabatés Morse

Dr. Marta Pérez

Dr. Solomon C. Stinson

Mr. Merrett R. Stierheim
Superintendent of Schools

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**STATEMENT OF PRINCIPLES OF EDITORIAL
INTEGRITY IN PUBLIC BROADCASTING**

The School Board of Miami-Dade County, Florida in conjunction with WLRN-TV Channel 17, WLRN-FM 91.3 Public Radio Community Advisory Board accepts the following:

STATEMENT OF PRINCIPLES OF EDITORIAL INTEGRITY IN PUBLIC BROADCASTING

I. We Are Trustees of a Public Service

Public Broadcasting was created to provide a wide range of programming services of the highest professionalism and quality which can educate, enlighten and entertain the American public, its audience and source of support. It is a noncommercial enterprise, reflecting the worthy purpose of the federal, state and local governments to provide education and cultural enrichment to their citizens.

As trustees of this public service, part of our responsibility is to educate all citizens and public policymakers to our function, and to assure that we can certify to all citizens that station management responsibly exercises the editorial freedom necessary to achieve public broadcasting's mission effectively.

II. Our Service Is Programming

The purpose of public broadcasting is to offer its audiences public and educational programming which provides alternatives in quality, type and scheduling. All activities of a public broadcasting station exist solely to enhance and support excellent programs. No matter how well other activities are performed, public broadcasting will be judged by its programming service and the value of that service to its audiences.

As trustees, we must maintain the climate, the policies and the sense of direction, which assure that the mission of providing high quality programming remains paramount.

III. Credibility is the Currency of our Programming

As surely as programming is our purpose, and the product by which our audiences judge the value of that service, that judgment will depend upon public confidence that our programming is free from undue or improper influence. Our role as trustees includes educating both citizens and public policymakers to the importance of this fact and to assuring that our stations meet this challenge in a responsible and efficient way.

As trustees, we must adopt policies and procedures which enable professional management to operate in a way which will give the public full confidence in the editorial integrity of our programming.

IV. Many of our Responsibilities Are Grounded in Constitutional or Statutory Law

Public broadcasting stations are subject to a variety of statutory and regulatory requirements and restrictions. These include the federal statute under which licensees must operate, as well as other applicable federal and state laws. Public Broadcasting is also cloaked with the mantle of First Amendment protection of a free press and freedom of speech.

As trustees, we must be sure that these responsibilities are met. To do so requires us to understand the legal and constitutional framework within which our stations operate, and to inform and educate those whose position or influence may affect the operation of our licensee.

V. We Have a Fiduciary Responsibility for Public Funds

Public Broadcasting depends upon funds provided by individual and corporate contributions and by local, state and federal taxes. Trustees must maintain policies which can assure the public and their chosen public officials alike that this money is well spent.

As trustees, we must assure conformance to sound fiscal and management practices. We must also assure that the legal requirements placed on us by funding sources are met. At the same time, we must resist the inappropriate use of otherwise legitimate oversight procedures to distort the programming process which such funding supports.

WLRN-TV/WLRN-FM PROGRAM POLICIES

WLRN-TV/WLRN-FM PROGRAM POLICIES

I. Educational, Cultural and Informational Programming

Art, music, literature, drama, and science are the means through which humans enhance the quality of their lives and transmit their culture to succeeding generations. WLRN-TV Channel 17 and WLRN-FM 91.3 Public Radio should produce and broadcast programming which provides opportunities for all the citizens of South Florida to share in the cultural heritage of their neighbors, their community, state, and nation, and to be participants in the cultural life of their communities.

WLRN-TV and WLRN-FM have the unique ability to deliver community wide educational programming to thousands of children, students, parents and other individuals in school, at home and in the workplace. WLRN should strive to acquire and produce high-quality educational programming that can have wide community appeal.

II. Ethnic, National, and Cultural Diversity

The great diversity of the peoples of South Florida, their beliefs, their cultures, their languages, and their life styles can either enrich the community or be a source of disagreement and conflict. WLRN-TV and WLRN-FM will acquire, produce, and broadcast programming that will encourage South Floridians to seek understanding and appreciation of other cultures.

III. Education for Citizenship

The knowledge and the skills required for citizens to represent their beliefs and best interests in the affairs of government have grown both in volume and become increasingly complex. WLRN-TV and WLRN-FM should acquire, produce, and broadcast programming that provides opportunities for South Floridians to acquire the knowledge and the information needed to participate effectively in the affairs of government.

IV. Controversial Issues

Democratic governments derive their strength from the consent of the governed. That strength can only be used wisely if the citizens of a democracy understand and are prepared to accept the real consequences of their consent. WLRN-TV and WLRN-FM should acquire, produce, and broadcast programming which will provide courageous and responsible treatment of issues, and which will report and comment, with honesty and candor, on social, political, and economic tensions, disagreements, and divisions, with the ultimate purpose that South Floridians shall have opportunities to hear and see a full discussion of issues which are controversial and which can have a significant impact on their lives.

V. Editorial Standards and Integrity

In all programming, WLRN-TV and WLRN-FM shall strive for fairness, accuracy, objectivity, and balance. WLRN-TV and WLRN-FM shall be guided in the program selection process by the "Statement of Principles of Editorial Integrity" which has been adopted by the licensee, The School Board of Miami-Dade County, Florida.

Complaints from viewers and listeners concerning the fairness, accuracy, objectivity, or balance of public programming shall be referred for resolution to the General Manager. If such complaints are not resolved by the General Manager, they shall be referred to the Community Advisory Board for its recommendation.

The General Manager shall give due consideration to such recommendations in his response to the complaint and provide a report to the Superintendent of Schools which includes the recommendations of the Community Advisory Board and the resolution or response to the complaint.

VI. Communication Technology

The development of new electronic technologies will provide opportunities for innovative uses of radio and television communications to create new educational, cultural, and informational program services, to serve new audiences, to serve existing audiences more efficiently, and to create revenues which will support new and existing program services. As public broadcasting facilities with access to the professional staff, the equipment and facilities, the funding sources, and the information required to develop and employ new communication technologies, WLRN-TV and WLRN-FM should provide the leadership and take the initiatives needed to help individual citizens, the Miami-Dade County Public Schools, and other educational, cultural, and governmental agencies obtain the benefits of new technologies.

WLRN-TV/WLRN-FM PROJECT COMMITTEE

WLRN-TV/WLRN-FM PROJECT COMMITTEE

I. Project Committee Mission Statement

To support the mission of WLRN-TV and WLRN-FM by developing and implementing procedures for selecting and evaluating production opportunities and station projects for WLRN-TV and WLRN-FM.

II. Responsibilities

The process for producing public radio and television programming must be responsive to the current needs of the community. It also must be sensitive to production costs, available talent, audience potential, promotion cost, competing programs, and other such factors.

The project selection process must follow public broadcasting criteria which ensure the independence and editorial integrity of the project, and that the General Manager shall be ultimately responsible for approving all station projects. The review of project proposals by the Project Committee is intended to ensure that the project selection process is not only independent, but also, that it is perceived as rational by the licensee and the community, and that each decision is based on clearly defined criteria that can be communicated to any interested party.

III. Project Committee Membership

General Manager
Executive Producer
Communications Director
Television Production Manager
Television Program Director
Radio Station Manager
Radio Program Director

IV. Project Selection Process

- a. Project proposals are submitted to WLRN's Executive Producer through WLRN's proposal process.
- b. Project proposals are reviewed by the Executive Producer and are submitted to the Project Committee for consideration.
- c. Project proposals are reviewed by the Project Committee which makes a preliminary recommendation to approve, reject, or revise for resubmission.

Review is based on current station budget, project funding, available resources, programming goals, programming criteria, and current needs.

- d. Project Committee's recommendation is submitted to the General Manager for approval.
- e. Executive Producer notifies in writing the project originator as to the status of their proposal – accepted, rejected or need more information.

**WLRN-TV/WLRN-FM
PROGRAM SELECTION PROCESS**

WLRN-TV/WLRN-FM PROGRAM SELECTION PROCESS

I. WLRN-TV and WLRN-FM Programming Service

The daily broadcast schedules of WLRN-TV and WLRN-FM are devoted primarily to programming which is responsive to the demonstrated needs of the South Florida regional community. Such programming will be noncommercial and educational, informational, or cultural in nature. WLRN programming shall be consistent with public broadcasting's Statement of Principles of Editorial Integrity in Public Broadcasting.

- a. Final programming decisions are the responsibility of the General Manager. Among the practical implications which flow from this commitment are the following:
 1. Day-to-day decisions about television programming are made by the WLRN-TV Program Director.
 2. Day-to-day decisions about radio programming are made by the WLRN-FM Program Director.
 3. Day-to-day decisions about the selection and treatment of news are made by the WLRN News Director.

II. Annual Program Selection and Scheduling Timeline

May – July

General Manager, senior programming staff and Community Advisory Board conduct formal and informal ascertainment to determine community issues and concerns.

Programming priorities are determined for the radio and television schedules.

June

General Manager delivers Annual Programming Report for WLRN-TV and WLRN-FM to the Superintendent of Schools. This report will be for the current fiscal year ending June 30.

July – August

Fall program schedule approved by the General Manager.

September – May

Programming staff conducts a continuing review of radio and television schedules and revises, adds or deletes programs.

Community Advisory Board meets quarterly to review current and proposed programming and makes recommendations to the General Manager.

WLRN-TV/WLRN-FM
COMMUNITY ADVISORY BOARD

COMMUNITY ADVISORY BOARD

I. Statement of Purpose

Members serving on the Community Advisory Board are residents and/or business people within the South Florida area. They provide input to the General Manager on matters of WLRN's radio and television programming.

The committee's role is solely advisory in nature. By Federal Communications Commission regulations, the Committee has no authority to exercise any control over the daily management or operation of the stations.

The Community Advisory Board shall:

- A. conduct a continuing review of the program policies of WLRN-TV and WLRN-FM and recommend the adoption or revision of such policies to the General Manager;
- B. conduct an annual review of community issues and concerns and make recommendations to the General Manager concerning selection and production of public radio and television programming on WLRN-TV and WLRN-FM; and
- C. deliver an Annual Programming Report for WLRN-TV and WLRN-FM to the Superintendent in cooperation with the General Manager and senior staff.
- D. conduct a quarterly review of:
 - 1) the appropriateness and responsiveness of programs produced, and broadcast in response to community issues, concerns and interests; and
 - 2) the implementation of public broadcasting's Statement of Principles of Editorial Integrity in Public Broadcasting in WLRN's programming.
- E. conduct in regularly scheduled quarterly meetings or special meetings called in response to the request of three members and the General Manager.
- F. comply with all requirements of the Corporation for Public Broadcasting as well as the Federal Government and the State of Florida as to open records, open meetings, and Government in the Sunshine.
- G. meetings shall be governed by Robert's Rules of Order.

II. Composition

The Community Advisory Board shall be composed of a maximum of twenty members who are representative of the cultural, education, civic, ethnic, geographic, and economic diversity of the WLRN-TV and WLRN-FM coverage area, plus two currently elected Miami-Dade County School Board Members appointed by the Chair of the School Board, two Friends of WLRN, Inc., Board Members appointed by the Friends of WLRN, Inc., Board, and one member of the South Florida Chapter of Professional Journalists appointed by the Chapter's Board. Advisory Board Members shall not be WLRN employees, Friends of WLRN, Inc. employees, program producers or representatives of WLRN underwriters or their agents. The members of the Advisory Board shall certify in writing that they will abide by standards of ethical governance and shall not use their position for personal gain for themselves, family members or personal friends.

III. Term of Office

The term of office for all members of the Community Advisory Board shall be three years. Members may succeed themselves for one additional three-year term. The terms of the School Board Members, the Board Members of Friends of WLRN, Inc. and the Member from the South Florida Chapter of Professional Journalists shall run concurrently with their terms of office or membership with their respective organizations, but will not exceed the term limits contained herein.

IV. Selection of the Community Advisory Board

- A. Nominations to membership shall be made by any member of the Community Advisory Board that is in good standing.
- B. A Selection Committee composed of the Superintendent, the General Manager for WLRN-TV and WLRN-FM, and the Chairperson of the Community Advisory Board shall identify those cultural, civic, economic, ethnic, or educational interests of the community which should be represented among the nominees.
- C. The Selection Committee shall make a final selection from among those names presented and issue invitations to fill each vacancy.
- D. Any member who has three consecutive unexcused absences shall be subject to removal.
- E. The Selection Committee shall replace terminated or resigned members.
- F. The terms of one-third of the current members of the Advisory Board shall expire one year from the adoption of this policy .

V. Officers

The officers of the Community Advisory Board shall be a Chairperson, Vice Chairperson and Secretary. Officers shall be elected at the first meeting of the fiscal year and shall serve for one year. Officers shall be eligible for reelection.

APPENDIX

WLRN
172 NE 15th Street
Miami, Florida 33132
305-995-1717

Attention:
Executive Producer

**CONFIDENTIAL
PROJECT PROPOSAL**

SECTION I

NARRATIVE

Submitted by _____

Address _____

Phone _____

Date _____

PROPOSAL NARRATIVE

1. Describe your project in no more than one page.
2. Is timing important for this project?
3. What are the funding sources for your project?
4. What is the specific market for this project?
5. What other similar projects now exist in the market?
6. How has the competition performed?
7. What have you learned from their operations?
8. How will your project be different or better?
9. Is the market for your project growing, steady, or declining?
10. Are there any significant market shifts occurring?
11. Is there room for market expansion of your project?
12. How will your project be priced?
13. Where will your project be located?
14. Do you need extra space for your proposed project?
15. Who will manage your proposed project?
16. What consultants will your project require?
17. What other personnel does this project require?
18. What working capital is needed for this project, and how will you obtain it?

WLRN
172 NE 15th Street
Miami, Florida 33132
305-995-1717

Attention:
Executive Producer

**CONFIDENTIAL
PROJECT PROPOSAL**

SECTION II

FINANCIAL DOCUMENTATION

Submitted by _____

Address _____

Phone _____

Date _____

PROPOSED PROJECT REVENUE FOR YEARS 1-5

Note: This is a sample of the information necessary for a five-year international distribution project. All items may not be applicable for your proposal; however, this is a suggested format for your project.

PART 1	Revenue						
	Per Unit	Totals	Year 1	Year 2	Year 3	Year 4	Year 5
Distribution, domestic	xx	xxx	xxx	xxx	xxx	xxx	xxx
CD sales	xx	xxx	xxx	xxx	xxx	xxx	xxx
Audio cassettes	xx	xxx	xxx	xxx	xxx	xxx	xxx
Home video sales	xx	xxx	xxx	xxx	xxx	xxx	xxx
Ancillaries	xx	xxx	xxx	xxx	xxx	xxx	xxx
Foreign rights	xx	xxx	xxx	xxx	xxx	xxx	xxx
Total revenues		xxx	xxx	xxx	xxx	xxx	xxx
=====							
PART 2	Expenses						
	Per Unit	Totals	Year 1	Year 2	Year 3	Year 4	Year 5
Research & Development		xx	xxx	xxx			
Preproduction	xx	xxx	xxx				
Studio Production	xx	xxx		xxx	xxx	xxx	
Equipment Rentals	xx	xxx		xxx	xxx	xxx	
Videotape	xx	xxx		xxx	xxx	xxx	
Graphics, design work	xx	xxx	xxx				
Post Production	xx	xxx					xxx
Contingency	xx	xxx	xxx	xxx	xxx	xxx	xxx
Total expenses		xxx	xxx	xxx	xxx	xxx	xxx
=====							
PROFIT BEFORE TAXES		xxx	xxx	xxx	xxx	xxx	xxx
TAXES		xxx	xxx	xxx	xxx	xxx	xxx

NET INCOME		xxx	xxx	xxx	xxx	xxx	xxx
DIVIDENDS TO INVESTORS		xxx	xxx	xxx	xxx	xxx	xxx
=====							

PART 3

FINANCIAL DATA

1. What is the proposed form of your project (partnership, corporation, etc.)?

2. How much of WLRN resources will be invested in this project?

3. List the investors / financial partners and estimate their return on investment.

The School Board of Miami-Dade County, Florida, adheres to a policy of nondiscrimination in employment and educational programs/activities and strives affirmatively to provide equal opportunity for all as required by:

Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the basis of race, color, religion, or national origin.

Title VII of the Civil Rights Act of 1964, as amended - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

Title IX of the Education Amendments of 1972 - prohibits discrimination on the basis of gender.

Age Discrimination in Employment Act of 1967 (ADEA), as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40.

The Equal Pay Act of 1963, as amended - prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the disabled.

Americans with Disabilities Act of 1990 (ADA) - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations, and telecommunications.

The Family and Medical Leave Act of 1993 (FMLA) - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

The Pregnancy Discrimination Act of 1978 - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

Florida Educational Equity Act (FEEA) - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

Florida Civil Rights Act of 1992 - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

School Board Rules 6Gx13- 4A-1.01, 6Gx13- 4A-1.32, and 6Gx13- 5D-1.10 - prohibit harassment and/or discrimination against a student or employee on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability.

Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.

REVISED 8/1/01