

Office of Superintendent of Schools  
Board Meeting of August 21, 2002

August 9, 2002

Personnel Management and Services  
Magaly C. Abrahante, Chief Personnel Officer

**SUBJECT:        PROPOSED AMENDMENT OF SCHOOL BOARD RULE: FINAL READING  
6Gx13- 4E-1.09, PROFESSIONAL LEAVE**

**COMMITTEE:    LEGISLATIVE RELATIONS AND POLICY DEVELOPMENT**

The School Board of Miami-Dade County, Florida, announced on July 10, 2002 its intention to amend School Board Rule 6Gx13- 4E-1.09, Professional Leave, at the meeting of August 21, 2002.

The Notice of Intended Action was published in the *Miami Daily Business Review* on July 15, 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 amended 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 amended rule. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13-4E-1.09, Professional Leave, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective August 21, 2002.

MCA/mtp

C-27

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 10, 2002, its intention to amend School Board Rule 6Gx13- 4E-1.09, Professional Leave, at its meeting of August 21, 2002.

PURPOSE AND EFFECT: To prohibit professional leave for outside employment, except for public sector employment or employment for a not-for-profit organization, when deemed by the Superintendent of Schools or designee to be in the best interest of the District; to permit employees granted professional leave to work at a charter school to extend their leave beyond the two-year maximum; and to offset paid professional leave for employees who are serving in elected positions.

Revised  
pursuant  
to Board  
direction on  
7/10/02

SUMMARY: The rule provides policies and practices for the granting of professional leave to School Board employees.

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

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 228.056(13)(e); 231.39 F.S.; 6A-1.081 FAC

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 21, 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 August 5, 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 AMENDED 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. Magaly C. Abrahante  
Supervisor: Mr. Merrett R. Stierheim  
Date: July 10, 2002

Absences, Leaves and Vacations

**PROFESSIONAL LEAVE**

Professional leave is leave granted to full-time members of the United Teachers of Dade and Dade County School Administrators' Association bargaining units, administrators managerial exempt employees, and confidential/exempt employees to engage in activities which will result in professional benefit or advancement, including earning of college credits and degrees.

**Professional Leave With Pay**

Any regular member of the instructional or professional administrative staff (12 month employees) may be granted three weeks of professional leave with compensation during any school year when school is not in session, with such leave cumulative for not more than two years, in accordance with Florida Statutes and State Department Board of Education Rules, provided that one is under contract during this period and further provided that such leave is approved in writing by the principal of the school for personnel under his/her supervision and by the Superintendent of Schools, or such person as may be designated. School is construed to be in session starting with the first day of the 180 day school term for students in the fall and ending with the last day the students are required to be in school in the spring. Professional leave for such personnel not under the supervision of a principal shall be approved by the Superintendent of Schools or designee.

Professional leave will not be granted to persons who are employed for less than twelve months to attend summer school during the period of services which exceeds the regular ten-month period served by teachers. No substitute will be approved for a person whose first day of absence for summer school is the day following the end of the students' term of school in the spring, or for a person whose last day of absence is prior to the first day of the students' 180-day term of school.

~~In order to encourage employees' participation in government and other civic affairs, an employee elected to serve in the state legislature or in any other local, state or national elected office will receive professional leave with pay when engaged in official meetings of the elected body.~~

We recognize the importance of employees who voluntarily participate in government and other civic affairs. Accordingly, employees who are elected to public office may apply for professional leave without pay. Employees serving in an elected position on August 21, 2002 and receiving professional leave with pay when engaged in official functions of the elected body, may continue to receive said leave for the remainder of their current term in office, but not thereafter. Employees who are elected to public office after August 21, 2002 may request professional leave with pay for release time directly

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related to their attendance at official functions of the elected body. Such leave shall be granted in half or full day increments, and the daily rate of the salary for their elected position shall be deducted from their school system pay for such leave.

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### Extended Professional Leave Without Pay

Extended professional leave without pay is leave granted in excess of thirty days. No one, with the exception of employees granted leave to work for a charter school, may receive more than two consecutive years of extended professional leave, which is approved one year at a time. An employee granted extended professional leave may engage in activities for which no college credit is granted provided it is determined by the Superintendent of Schools or designee that these activities will enhance the employee's professional competence and, thereby, benefit the school system once the employee returns. Extended professional leave for outside employment is prohibited, except for public sector employment or employment for a not-for-profit organization, when deemed by the Superintendent of Schools or designee to be in the best interest of the Miami-Dade County Public Schools system. Any employee who is approved for full-time employment under extended professional leave will not be entitled to Board-paid fringe benefits.

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

Law Implemented, Interpreted, or Made Specific: 228.056(13)(e); 231.39 F.S.;  
6A-1.081 FAC

#### History

Repromulgated: 12-11-74

Amended: 5-13-98

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA