

Mr. Joseph Garcia, Chief Communications Officer
Office of Public Relations

SUBJECT: PROPOSED PROMULGATION OF NEW SCHOOL BOARD RULE:

**FINAL READING 6Gx13- 8C-1.101, TYPES OF MEETINGS –
NOTICE REQUIREMENTS AND PROCEDURES FOR PUBLICATION**

**PROPOSED REPEAL OF SCHOOL BOARD RULES: FINAL
READING**

**6Gx13- 8C-1.08, BOARD MEETINGS--TYPES AND PURPOSES;
6Gx13- 8C-1.09, BOARD MEETINGS--DATE, TIME AND PLACE;
6Gx13- 8C-1.10, SPECIAL BOARD MEETINGS; AND
6Gx13- 8C-1.14, BOARD MEETINGS--CONFERENCE-TYPE
DISCUSSIONS**

COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL RELATIONS

The School Board of Miami-Dade County, Florida, announced on July 13, 2005, its intention to promulgate new School Board Rule 6Gx13- 8C-1.101, Types of Meetings – Notice Requirements and Procedures for Publication, to establish uniform procedures to give notice of the date, time, place, and general subject matter of public meetings of the School Board in the manner provided by the Florida Administrative Procedure Act, Chapter 120, and applicable Florida laws, at the meeting of August 17, 2005.

The School Board also announced on July 13, 2005, for clarity and consolidation purposes, its intention to repeal School Board Rules, 6Gx13- 8C-1.08, Board Meetings—Types and Purposes; 6Gx13- 8C-1.09, Board Meetings—Date, Time and Place; 6Gx13- 8C-1.10, Special Board Meetings; and 6Gx13- 8C-1.14, Board Meetings—Conference-Type Discussions. Comparable and/or clarifying language from each of the rules has been incorporated into new School Board Rule 6Gx13- 8C-1.101.

The Notices of Intended Action were published in *Miami Daily Business Review* on July 18, 2005, posted in various places for public information and mailed to various organizations representing persons affected by the new and repealed rules and to individuals requesting notification.

The time to request a hearing or protest the adoption of the new rule and the repealed rules has elapsed.

E-202

In accordance with the provisions of the Administrative Procedure Act, the new and repealed rules are presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rules in the official records of The School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

Attached are the Notices of Intended Action, the new and repealed rules.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt new School Board Rule 6Gx13- 8C-1.101, Types of Meetings – Notice Requirements and Procedures for Publication; and repeal School Board Rules 6Gx13- 8C-1.08, Board Meetings—Types and Purposes, 6Gx13- 8C-1.09, School Board Meetings—Date, Time and Place, 6Gx13- 8C-1.10, Special Board Meetings, and 6Gx13- 8C-1.14, Board Meetings—Conference-Type Discussions, effective August 17, 2005.

JG/mcs

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 13, 2005, its intention to promulgate new School Board Rule 6Gx13- 8C-1.101, Types of Meetings – Notice Requirements and Procedures for Publication, at its meeting of August 17, 2005.

PURPOSE AND EFFECT: The new School Board Rule sets forth the types of meetings conducted by the School Board and the respective notice requirements and publication procedures as mandated by Florida Statutes and the District.

SUMMARY: To establish uniform procedures for The School Board of Miami-Dade County, Florida, to give notice of the date, time, place, and general subject matter of public meetings of the School Board.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10), F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: Chapter 120; §286.011; 1001.372 (1); 120.525 (3) F.S.

Revised
subsequent
to Initial
Reading on
7/13/05

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 17, 2005, 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 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 8, 2005, 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 Statute).

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

Originator: Ms. Perla Tabares Hantman
Date: July 11, 2005

School Board - Methods of Operation

TYPES OF MEETINGS--NOTIFICATION REQUIREMENTS AND PROCEDURES FOR PUBLICATION

I. Purpose

The purpose of this rule is to set forth the types of meetings conducted by the School Board and the respective notification requirements and publication procedures as mandated by Florida Statutes and the District.

II. Notice Requirements

The School Board of Miami-Dade County, Florida, shall give notice of the date, time, place, and general subject matter of its public meetings, including hearings, workshops, and conference sessions in the manner provided by the Florida Administrative Procedure Act, Chapter 120, Florida Statute.

III. Types, Purposes and Publication Requirements

A. Regular Meeting

1. Purpose

The School Board shall hold not less than one regular meeting each month for the transaction of business according to a schedule arranged by the School Board at its November organization meeting.

2. Date, Time, and Location

All regular meetings will be held at 1:00 p.m. in the School Board Administration Building Auditorium, 1450 Northeast Second Avenue, Miami, Florida.

Upon the giving of due public notice, regular meetings of the School Board may be held at any appropriate public place in the county. For purpose of this section, due public notice shall consist of publication in a newspaper of general circulation in the county.

Any change in the date or time for these meetings shall be by an action of the Board.

3. Publication Requirement

The School Board shall give notice of regular meetings by publication in a newspaper of general circulation not less than seven (7) days before the event. An agenda shall be prepared by the agency in time to ensure that a copy of the agenda may be received at least seven (7) days before the event by any person who requests a copy, as provided for in School Board Rule 6Gx13- 8C-1.15.

- a. The originating office shall provide the schedule of regular meetings upon approval by the School Board at its November organization meeting to the Clerk of the School Board for publication purposes.
- b. The originating office shall post notice of the regular meetings upon approval by the School Board at its November organization meeting in the District's Citizen Information Center, pursuant to Chapter 120, et seq. and § 286.011, F. S., as provided for in School Board Rule 6Gx13- 8C-1.031.

B. Special Meeting

1. Purpose

On occasion, as provided in §1001.372(1) F.S., special meetings may be called for official action on topics specified in the call and agenda for the meeting by the Superintendent of Schools, the Chair of the School Board through the Superintendent, or by request of a majority of the members of the School Board. Such request shall be communicated in writing by the individual Board members to the Board Attorney. Upon receiving requests by a majority of the Board, the Board Attorney shall notify the Superintendent of the need to call a special meeting.

2. Date, Time, and Location

All special meetings will be held in the School Board Administration Building Auditorium, 1450 Northeast Second Avenue, Miami, Florida. The date and time shall be specified in the call and agenda for the meeting.

Upon the giving of due public notice, special meetings of the School Board may be held at any appropriate public place in the county. For purpose of this section, due public notice shall consist of publication in a newspaper of general circulation in the county.

Any change in the date or time for these meetings shall be by an action of the Board.

3. **Publication Requirement**

The School Board shall give 48 hours, i.e., two (2) days, written notice of the time and purpose of the special meeting. An agenda for the special meeting shall be prepared upon the calling of the meeting, but not less than 48 hours prior to the meeting.

- a. The originating office shall provide the special meeting's purpose, date, time, and place to the Clerk of the School Board for publication purposes not less than five (5) days prior to the special meeting, where feasible.
- b. The originating office shall post notice of the special meeting in the District's Citizen Information Center, immediately upon the calling of the meeting, but not less than 48 hours prior to the meeting.

C. **Organization Meeting**

1. **Purpose**

At its organization meeting, the School Board shall organize by electing a Chair. It may elect a Vice Chair, and the Superintendent shall act ex officio as the Secretary. A schedule of regular meetings of the School Board for the next calendar year is approved at this organization meeting.

2. **Date, Time, and Location**

The organization meeting shall be conducted on the third Tuesday after the first Monday in November of each year. The meeting will be held in the School Board Administration Building Auditorium, 1450 Northeast Second Avenue, Miami, Florida, unless otherwise noticed as set forth in III. A .2.

3. Publication Requirement

The School Board shall give notice of its organization meeting by publication in a newspaper of general circulation not less than seven (7) days before the event. An agenda shall be prepared by the agency in time to ensure that a copy of the agenda may be received at least seven (7) days before the event by any person who requests a copy, as provided for in School Board Rule 6Gx13- 8C-1.15.

- a. The originating office shall provide the date of the organization meeting upon approval by the School Board at its November organization meeting to the Clerk of the School Board for publication purposes.
- b. The originating office shall post notice of the organization meeting upon approval by the School Board at its November organization meeting in the District's Citizen Information Center, pursuant to Chapter 120, et seq. and § 286.011, F. S., as provided for in School Board Rule 6Gx13- 8C-1.031.

D. Emergency Public Meeting

1. Purpose

If the School Board finds that an immediate danger to the public health, safety, or welfare requires immediate action, the agency may hold an emergency public meeting in accordance with §120.525 (3) F.S.

2. Publication Requirement

The School Board will give notice of such meeting by any procedure that is fair under the circumstances and necessary to protect the public interest.

E. Public Hearings

1. Purpose

The School Board may conduct a public hearing designed solely as a public hearing on a specific topic, document, or proposal which is to be the subject of School Board action, to be taken at the public hearing or at an upcoming regular School Board meeting, either to comply with State Statutes or to hear citizens on an issue of great public interest.

2. Date, Time, and Location

Public hearings will be conducted in the School Board Administration Building Auditorium, 1450 Northeast Second Avenue, Miami, Florida, unless otherwise noticed as set forth in III. A. 2. The date and time shall be specified in the call and agenda for the meeting.

3. Publication Requirement

The School Board shall give notice of its public hearings by publication in a newspaper of general circulation not less than seven (7) days before the event. An agenda shall be prepared by the agency in time to ensure that a copy of the agenda may be received at least seven (7) days before the event by any person who requests a copy.

- a. The originating office shall provide the date of the public hearing upon approval by the School Board to the Clerk of the School Board for publication purposes.
- b. The originating office shall post notice of the public hearing upon approval of the School Board in the District's Citizen Information Center, pursuant to Chapter 120, et seq. and § 286.011, F. S., as provided for in School Board Rule 6Gx13- 8C-1.031.

F. Conference Session

1. Purpose

The School Board may conduct a conference session for the purpose of receiving information and conferring with the Superintendent of Schools on issues requiring in-depth consideration and discussion with a possible proposed recommended action to be taken by the School Board at an upcoming regular meeting. Citizens will not be heard at conference sessions unless the Board so determines in advance of the session, as provided for in School Board Rule 6Gx13- 8C-1.17.

2. Date, Time, and Location

All conference sessions will be held in the School Board Administration Building Auditorium, 1450 Northeast Second Avenue, Miami, Florida, unless otherwise noticed as set forth in III. A. 2. The date and time shall be specified in the call and agenda for the meeting.

3. Publication Requirement

The School Board shall give notice of conference sessions by publication in a newspaper of general circulation not less than seven (7) days before the event. An agenda shall be prepared by the agency in time to ensure that a copy of the agenda may be received at least seven (7) days before the event by any person who requests a copy.

- a. The originating office shall provide the date of the conference session upon approval by the School Board to the Clerk of the School Board for publication purposes.
- b. The originating office shall post notice of the conference session upon approval by the School Board in the District's Citizen Information Center, pursuant to Chapter 120, et seq. and § 286.011, F. S., as provided for in School Board Rule 6Gx13- 8C-1.031.

G. Workshop

1. Purpose

The School Board may conduct a workshop for the purpose of receiving information and conferring with the Superintendent of Schools on issues requiring in-depth consideration and discussion, with a possible proposed recommended action to be taken by the School Board at an upcoming regular meeting.

2. Date, Time, and Location

Workshops will be conducted in Conference Room 726B of the School Board Administration Building, 1450 Northeast Second Avenue, Miami, Florida, unless otherwise noticed as set forth in III A. 2. The date and time shall be specified in the call and agenda for the meeting.

3. Publication Requirement

The School Board shall give notice of workshops by publication in a newspaper of general circulation not less than seven (7) days before the event. An agenda shall be prepared by the agency in time to ensure that a copy of the agenda may be received at least seven (7) days before the event by any person who requests a copy.

- a. The originating office shall provide the date of the workshop upon approval by the School Board to the Clerk of the School Board for publication purposes.
- b. The originating office shall post notice of the workshop upon approval by the School Board in the District's Citizen Information Center, pursuant to Chapter 120, et seq. and § 286.011, F. S., as provided for in School Board Rule 6Gx13- 8C-1.031.

IV. **Miscellaneous**

Cancellation or Revision to a Meeting Posted in the Newspaper

Cancellations or non-substantive revisions to a notice or announcement previously posted in a newspaper of general circulation must be received by the Clerk of the School Board not later than five (5) days before the event, where feasible.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10), F.S.

Law Implemented, Interpreted, or Made Specific: Chapter 120; 286.011; 1001.372(1); 120.525(3), F.S.

} Revised
subsequent
to Initial
Reading on
7/13/05

History

New:

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 13, 2005, its intention to repeal School Board Rule 6Gx13- 8C-1.08, Board Meetings – Types and Purposes, at its meeting of August 17, 2005.

PURPOSE AND EFFECT: To repeal School Board Rule and incorporate comparable language into School Board Rule 6Gx13- 8C-1.101, Types of Meetings – Notice Requirements and Procedures for Publication, for clarity and consolidation.

SUMMARY: School Board Rule 6Gx13- 8C-1.08, Board Meetings – Types and Purposes, will be repealed in its entirety in order to incorporate comparable language into School Board Rule 6Gx13- 8C-1.101.

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

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 230.15; 230.16; 286.011; 447.605 F.S.

Revised
subsequent
to Initial
Reading on
7/13/05

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 17, 2005, 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 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 8, 2005, 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 Statute).

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

Originator: Ms. Perla Tabares Hantman
Date: July 11, 2005

School Board--Methods of Operation

BOARD MEETINGS--TYPES AND PURPOSES

The Dade County School Board shall hold the following types of official meetings: organizational; regular; and special.

The organizational meeting is held for the purpose of electing a chair and vice-chair of the Board.

Regular meetings are held, according to a schedule arranged by the Board, for the purpose of conducting the official business of the school system.

Special meetings are held from time to time for official action on topics specified in the call and agenda for the meeting and/or to provide opportunity for informal discussion by the Board and administration on topics of concern to the school system. Any action taken at a special meeting shall have the same force and effect as if it were taken at a regular meeting.

With exceptions provided by law, all meetings of the Board are meetings held in public and are open to the public.

REPEALED

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 230.15; 230.16; 286.011; 447.605 F.S.

History: THE SCHOOL BOARD OF DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Technical Changes: 10-23-96

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 13, 2005, its intention to repeal School Board Rule 6Gx13- 8C-1.09, Board Meetings – Date, Time and Place, at its meeting of August 17, 2005.

PURPOSE AND EFFECT: To repeal School Board Rule and incorporate comparable language into School Board Rule 6Gx13- 8C-1.101, Types of Meetings – Notice Requirements and Procedures for Publication, for clarity and consolidation.

SUMMARY: School Board Rule 6Gx13- 8C-1.09, Board Meetings – Date, Time and Place, will be repealed in its entirety in-order to incorporate comparable language into School Board Rule 6Gx13- 8C-1.101.

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

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 230.15; 230.16; 230.17 }
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Originator: Ms. Perla Tabares Hantman
Date: July 11, 2005