

MEMORANDUM

April 14, 2008

TO: The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

FROM: Rudolph F. Crew, Superintendent of Schools



SUBJECT: **WITHDRAWAL OF AGENDA ITEM C-100**

**PROPOSED AMENDMENT TO SCHOOL BOARD RULE:
INITIAL READING 6Gx13- 8C-1.18, BOARD RECORDS—PUBLIC
ACCESS**

**PROPOSED REPEAL TO SCHOOL BOARD RULE: INITIAL
READING 6Gx13- 3B-1.051, FEES —PHOTOCOPY OF PUBLIC
RECORDS**

The attached Agenda item is being withdrawn from the April 16, 2008 Agenda, as staff has advised that further review is necessary.

RFC/JJS:er

M1333
Attachment

cc: Superintendent's Cabinet
Ms. Beatriz Zarraluqui

John Schuster, Chief Communications Officer
Office of Public Relations

**SUBJECT: PROPOSED AMENDMENT TO SCHOOL BOARD RULE: INITIAL READING
6Gx13- 8C-1.18, BOARD RECORDS—PUBLIC ACCESS**

**PROPOSED REPEAL TO SCHOOL BOARD RULE: INITIAL READING
6Gx13- 3B-1.051, FEES—PHOTOCOPY OF PUBLIC RECORDS**

COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT

LINK TO DISTRICT STRATEGIC PLAN: IMPROVE STAKEHOLDER SATISFACTION

At its November 20, 2007 meeting the School Board approved Agenda item H-6 presented by Dr. Marta Perez, Board member, directing the Superintendent to amend School Board Rule 6Gx13- 8C-1.18, Board Records—Public Access, to delineate the various options for obtaining records that are available to the public at the lowest possible cost.

The proposed amendment to School Board Rule 6Gx13- 8C-1.18, Board Records—Public Access, will delineate the various options for obtaining records that are available to the public at the lowest possible cost, and will incorporate the provisions of School Board Rule 6Gx13- 3B-1.051, Photocopy of Public Records.

This item is submitted for consideration by the Board to amend School Board Rule 6Gx13- 8C-1.18, Board Records—Public Access, and to repeal School Board Rule 6Gx13- 3B-1.051, Photocopy of Public Records.

Attached are the Notices of Intended Action, the proposed amendment to the rule, and a copy of the School Board rule proposed for repeal. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of School Board Rule 6Gx13- 8C-1.18, Board Records—Public Access, as well as the repeal of School Board Rule 6Gx13- 3B-1.051, Photocopy of Public Records.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13- 8C-1.18, Board Records—Public Access, to repeal School Board Rule 6Gx13- 3B-1.051, Photocopy of Public Records.

**ITEM WITHDRAWN
(04/14/2008)
C-100**

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 16, 2008, its intention to amend School Board Rule 6Gx13- 8C-1.18, Board Records—Public Access, at its meeting of May 21, 2008.

PURPOSE AND EFFECT: The purpose of amending this rule is to delineate the various options for obtaining records that are available to the public at the lowest possible cost. The amended rule would incorporate the provisions of School Board Rule 6Gx13- 3B-1.051, Fees--Photocopy of Public Records, proposed for repeal, upon adoption of this rule's revision.

SUMMARY: To designate school district policy regarding public access to school district records and to designate policy regarding public records requests and applicable fees.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1), (2); 1001.42(23); 1001.43(10), F.S.

LAW IMPLEMENTED, INTERPRETED OR MADE SPECIFIC: 120.525(2); 1001.43(10), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF May 21, 2008, 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 May 12, 2008, 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 at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132

Originator: Dr. Marta Pérez
Date: March 26, 2008

School Board--Methods of Operations**BOARD RECORDS--PUBLIC ACCESS****PUBLIC ACCESS TO SCHOOL DISTRICT RECORDS**

Public records of the Board as defined in Sec. 119.011 F.S. shall be made available to the public in accordance with law. Access thereto will be granted to any citizen during normal working hours of business.

When access to records is granted, examination thereof will be made in the presence of the record custodian regularly responsible for maintenance of such records. Access to official minutes shall be as specified in Board Rule 6Gx13- 8C-1.16. Board meeting minutes may also be accessed, at no cost, online at the district's website: www.dadeschools.net. If the individual examining the records wishes copies, charges for such copies of such records shall be made at a rate not to exceed that provided by statute.

Not included in the records indicated above are certain personnel records of employees of the Board which include documents containing privileged information. Access to such personnel records shall be in accordance with Sec. 234.294 1012.31 F.S.

Employees shall have the right, upon request, to review their personnel file and shall be entitled to a copy of materials at the employee's expense at a rate not to exceed that provided by statute or applicable collective bargaining agreement. No material or complaint derogatory to a teacher's conduct, service, character or personality may be placed in his/her file without notification via registered mail, return receipt requested, or by personal delivery and without proof as to the validity of the material. The validity of same may be tested through the grievance procedure.

I. PUBLIC RECORDS REQUESTS & APPLICABLE FEES

- A. A department in the school district, designated by the Superintendent of Schools, will be responsible for handling public records requests. Copies of public records may be obtained by making a request to the lawful custodian of the records.
- B. A public records request does not have to be made in writing. However, persons requesting public records are encouraged to submit requests in writing to expedite accurate processing of their requests. Such requests should be sufficiently detailed to identify the documents sought to be examined.

- C. Receipt of all public record requests shall be acknowledged promptly and in good faith as required by section 119.07(1)(b), Florida Statutes.
- D. Whenever possible citizens should be directed to the school district's website and informed of the availability of public records that may be accessed without charge through this website.
- E. Fees for public records requests shall not exceed the amount authorized by section 119.07(4), Florida Statutes, unless another amount is expressly authorized by law. In that case, the statute imposing such a requirement must be cited. A person making a public records request has the right to an itemized invoice of proposed fees or fees charged. Charges for copies of public records shall be paid by the person or entity requesting the records prior to delivery and are as follows:
1. A charge of not more than 15 cents per one one-sided copy and not more than an additional 5 cents for each two-sided copy, not exceeding 8½" by 14" in size, unless a different fee is otherwise prescribed by Florida Statutes.
 2. One dollar to certify each copy of a public record. This is in addition to the charges enumerated in Paragraph I A above.
 3. An additional special service charge, which shall be reasonable and based on costs incurred, may be charged for records when the nature or volume of the records requested to be copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel, or both. For the purpose of this rule, "extensive" means that it will take more than 15 minutes to locate, review for confidential information, copy and refile the requested material.
 4. Fees charged for the duplication of public records shall be collected, deposited, and accounted for in accordance with administrative procedures.

II. EXCEPTIONS

- A. Pursuant to section 1012.31(2)(e), Fla. Stat., employees who request their own personnel records may not be charged more than 5 cents per page.
- B. Student records are confidential and exempt from disclosure to the public, except as provided by law, pursuant to § 1002.22(3)(d), Fla.Stat. The cost for a student's educational records when requested by the parent, guardian, or eligible student who is 18 years of age, may not exceed the actual cost of producing the copies, not including retrieval costs.

1. A fee may not be charged when the imposition of that fee would effectively prevent the parent, guardian, or eligible student from exercising the right to inspect and review the student's educational records.
 2. A fee may not be charged for the first five certified copies of a high school transcript for students currently enrolled in the Miami-Dade County Public Schools. Thereafter, one dollar will be charged to certify each transcript in addition to the charges enumerated in paragraph II B above.
 3. The school may waive the fee for certified high school transcripts when, in the opinion of school personnel, the circumstances warrant such a waiver.
 4. A fee is not to be charged to any of the exemptions listed in Section VI of School Board Rule 6Gx13- 5B-1.07, Student Records, except as delineated in Paragraph II D below.
- C. Pursuant to section 120.53(2), Fla. Stat., School Board rules and orders shall be provided to the public at no more than the actual cost of duplication.
- D. When employee records or student records are subpoenaed or demanded by court order, the charges in paragraph II above apply.

This School Board Rule supersedes charges for duplicating records that may be in conflict with those stated herein and listed in any other School Board rule.

Specific Authority: 230.22(2); 1001.41(1), (2); 1001.42(23); 1001.43(10) F.S.
 Law Implemented, Interpreted, or Made Specific: 119.011; 119.07(1); 119.08
120.53(2); 1002.22; 231.294; 1012.31 F.S.

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
 Repromulgated: 12-11-74
 Amended: 7-26-78; 1-14-98

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 16, 2008, its intention to repeal School Board Rule 6Gx13- 3B-1.051, Fees—Photocopy of Public Records, at its meeting of May 21, 2008.

PURPOSE AND EFFECT: The repeal to the rule is proposed in order to incorporate the provisions outlined within the rule into the proposed amended School Board Rule 6Gx13- 8C-1.18, Board Records—Public Access.

SUMMARY: To incorporate school district policy regarding public access to school district records and to designate policy regarding public records requests and applicable fees under the proposed amended School Board Rule 6Gx13- 8C-1.18, Board Records—Public Access.

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

LAW IMPLEMENTED, INTERPRETED OR MADE SPECIFIC: 119.07; 119.08; 228.093; 231.291 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF May 21, 2008, 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 May 12, 2008, 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 REPEALED RULE is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Dr. Marta Pérez
Date: March 26, 2008

Income**FEES--PHOTOCOPY OF PUBLIC RECORDS**

- I. Copies of public records may be obtained by making a request to the lawful custodian of the records. Charges for copies of public records shall be paid prior to delivery and are as follows:
 - A. A charge of not more than 15 cents per one one-sided copy and not more than an additional 5 cents for each two-sided copy, not exceeding 8½" by 14" in size, unless a different fee is otherwise prescribed by Florida Statutes.
 - B. One dollar to certify each copy of a public record. This is in addition to the charges enumerated in Paragraph I A above.
 - C. An additional special service charge, which shall be reasonable and based on costs incurred, may be charged for records when the nature or volume of the records requested to be copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel, or both. For the purpose of this rule, "extensive" means that it will take more than 15 minutes to locate, review for confidential information, copy and refile the requested material.
 - D. Fees charged for the duplication of public records shall be collected, deposited, and accounted for in accordance with administrative procedures.

II Exclusions

- A. Pursuant to section 231.291(2)(e), Fla. Stat., employees who request their own personnel records may not be charged more than 5 cents per page.
- B. Pursuant to section 228.093(3)(a)4, Fla. Stat., the cost for a student's educational records when requested by the parent, guardian, or eligible student who is 18 years of age, may not exceed the actual cost of producing the copies, not including retrieval costs.
 1. A fee may not be charged when the imposition of that fee would effectively prevent the parent, guardian, or eligible student from exercising the right to inspect and review the student's educational records.

2. A fee may not be charged for the first five certified copies of a high school transcript for students currently enrolled in the Dade County Public Schools. Thereafter, one dollar will be charged to certify each transcript in addition to the charges enumerated in Paragraph II B above.
 3. The school may waive the fee for certified high school transcripts when, in the opinion of school personnel, the circumstances warrant such a waiver.
 4. A fee is not to be charged to any of the exemptions listed in Section VI of School Board Rule 6Gx13- 5B-1.07, Student Records, except as delineated in Paragraph II D below.
- C. Pursuant to section 120.53(2), Fla. Stat., School Board rules and orders shall be provided to the public at no more than the actual cost of duplication.
- D. When employee records or student records are subpoenaed or demanded by court order, the charges in Paragraph I above apply.
- III. This School Board Rule supersedes charges for duplicating records listed in any other School Board rule which conflict with those stated here.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 119.07; 119.08; 228.093; 231.291 F.S.

History

New: 9-25-91

Amended: 6-24-92

THE SCHOOL BOARD OF DADE COUNTY, FLORIDA