

Office of School Board Attorney
JulieAnn Rico, Board Attorney

**SUBJECT: PROPOSED AMENDMENT TO SCHOOL BOARD RULE:
 INITIAL READING 6Gx13- 8C-1.031, *DISTRICT ADVISORY
 COMMITTEE MEETING NOTICES/ANNOUNCEMENTS***

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY
 ENGAGEMENT**

**LINK TO DISTRICT IMPROVE STAKEHOLDER SATISFACTION
STRATEGIC PLAN:**

At the School Board meeting of September 10, 2008, the School Board approved Agenda Item H-8 presented by Ms. Perla Tabares Hantman, Vice Chair, directing the Superintendent and the School Board Attorney to review and revise School Board Rule 6Gx13- 8C-1.031, *District Advisory Committee Meeting Notices/Announcements*. Review of Rule 6Gx13- 8C-1.031, as it stands, does not provide for alternative procedures for the continuation of meetings should unforeseen circumstances, such as an Act of God (*force majeure*), causes the postponement of a previously properly advertised and scheduled meeting. Revisions are being submitted for the Board's consideration to allow flexibility to the 5-day rule regarding notice to the public by the implementation of procedures that permit the rescheduling of postponed meetings with reasonable notice to the public.

Attached are the Notice of Intended Action and the rule proposed for amendment. 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- 1.031, *District Advisory Committee Meeting Notices/Announcements*.

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- 1.031, *District Advisory Committee Meeting Notices/Announcements*.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 15, 2008, its intention to amend School Board Rule 6Gx13- 8C-1.031, *District Advisory Committee Meeting Notices/Announcements and Procedures for Publication*, at its meeting of November 15, 2008.

PURPOSE AND EFFECT: This amendment will permit flexibility in re-noticing meetings that must be postponed due to circumstances beyond the District's control.

SUMMARY: District Advisory Committee Meetings that must be postponed due to circumstances beyond the District's control (e.g., Acts of God) shall only require reasonable notice when the meeting is rescheduled.

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 November 15, 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 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 10, 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 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: Perla Tabares Hantman, Vice Chair
Date: October 15, 2008

Methods of Operation**DISTRICT ADVISORY COMMITTEE MEETING NOTICES/ANNOUNCEMENTS AND PROCEDURES FOR PUBLICATION**

The Board encourages the Superintendent of Schools and administrative staff to provide for the creation of appropriate organizations such as councils, cabinets, and committees that will foster good communications with the community, parents, and staff and support the attainment of the District's objectives.

I. Purpose

The purpose of this rule is to ensure that district advisory committee meetings (i.e., meetings in which authority has been delegated to make recommendations that may result in any foreseeable action by the School Board) comply with Florida's Government-in-the-Sunshine Law, other applicable laws, and District rules.

All district advisory committee and sub-committee meetings, including School Board Committee meetings, will be held in open public sessions and all materials made in connection with official business of these meetings and not exempt from disclosure pursuant to Florida Statutes are open for public inspection, pursuant to Florida's Government-in-the-Sunshine and Public Records Laws, Chapters 286.011 and 119, Florida Statutes.

District Advisory Committees, Attendance Boundary Committees, Educational Excellence School Advisory Councils (EESACs), School Board Committees, and all other committees that advise the Board are to use the following procedures for publication and posting of the District's meeting announcements.

II. Procedures for Posting Notices/Announcements and Publication of District Advisory Committee Meetings

A notice of a meeting at a location other than the School Board Administration Building (SBAB) must be posted in a public area, such as a school lobby, where interested persons will see it at least five working days before the meeting is to take place. In order to ensure that all district advisory meetings and sub-committee meetings, including School Board Committee meetings; are properly noticed at the School Board Administration Building and on the District's web site, each meeting must be posted electronically to the School Board's

Citizen Information Center at least five working days prior to the meeting. **Please note that a district-recognized holiday will not count as one of the five days.** The day of posting will count as the first of the five days so long as the notice is posted before 10 a.m. The day of the meeting will count as the fifth day if the meeting is held after 4:30 p.m. Such a notice must include reference to the meeting's subject. If one exists, a copy of

the agenda for the meeting must be provided to the School Board's Citizen Information Center (SBAB Room 158, FAX 305-995-1151, Work Location No. 9043).

To post a notice of a meeting:

1. Go to the District's web site: <http://www.dadeschools.net>
2. Click on Meetings.
3. Click on Post a Meeting.
4. Type information as prompted by the system. Be sure to take note of the meeting number and password assigned; these will be necessary in case of a future need for revision or cancellation of the meeting. Provided the electronic meeting announcement is in compliance (i.e., the announcement is complete and it has been received in the Citizen Information Center five working days prior to the meeting.), the electronic posting will be approved, a hard copy will be printed and posted at the School Board Administration by staff in the Citizen Information Center, and the meeting announcement will be posted on the District's Web site.
5. An automated email notification will be sent, to the email address that was entered when the meeting was posted, to confirm or reject the posting of the meeting announcement. Provided the meeting was approved, upon receipt of the email notification, the meeting announcement should be printed and posted at the worksite. A link will be included on the confirmation email.
6. If for any reason, such as technical difficulties, the above-listed procedures cannot be followed, contact the School Board Administration Building's Citizen Information Center for advice. The Citizen Information Center may be reached at the following telephone number: (305) 995-1128.

III. Procedures for Previously Noticed Meetings that are Postponed Due to Circumstances Beyond the School District's Control

If a meeting has been advertised in the manner specified under Section II above, but cannot be held and must be cancelled due to circumstances beyond the District's control, e.g., Acts of God or force majeure (war, labor strike, or extreme weather), the re-notice of the meeting shall only require reasonable notice for the meeting (a minimum of two (2) days notice, which may include the day the notice is posted).

- III.V. Cancellations of meetings must also be posted. As soon as the cancellation of a meeting is determined, it is important that the cancellation be electronically posted. To cancel a meeting, locate the meeting on the District's Web site, and use the password provided at the time of posting. Upon receipt of the email confirming cancellation, the

hardcopy of the notice of cancellation should be printed and used to replace or cover the original meeting announcement at the work location.

A User Guide detailing the electronic posting process is available at: <http://ehandbooks.dadeschools.net>

IV. Additional Legal Guidelines and Requirements

1. Minutes of all meetings must be kept.
2. The following statement should appear on every notice of a meeting:

"If a person wishes to appeal any decision made with respect to any matter considered at this meeting (hearing), such a person should ensure the preparation of a verbatim record of the proceedings including the testimony and evidence upon which the appeal is to be based."

3. Committees should conduct some form of vote on all substantive issues that are to be recommended to the School Board.
4. No meeting may be held at any facility or location that discriminates 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, disability, or economic status or that operates in such a manner as to unreasonably restrict public access to such a facility.
5. The following access statement must appear on every notice of a meeting:

"If you have a disability that requires an accommodation, you may call the individual listed as the Contact Person for the above-posted meeting or call the Telecommunications Device for the Deaf (TDD) at (305) 995-2400. Requests for accommodations or assistance must be made at least 48 hours in advance. For special equipment (chair lifts, special wheel chairs, etc.) or other special assistance, such as a sign language interpreter or meeting materials, the request for assistance must be made at least five (5) days in advance." Should you have any questions or concerns regarding compliance with the Americans with Disabilities Act (ADA), you should contact the Division of Facilities ADA Compliance, at (305) 995-4650.

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

Law Implemented, Interpreted, or Made Specific: Chapter 119; 286.011; 1001.452, F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
New: 8-17-05