

Office of School Board Attorney
JulieAnn Rico, Board Attorney

**SUBJECT: PROPOSED AMENDMENT TO SCHOOL BOARD RULE: FINAL
READING 6Gx13-8C-1.101 TYPES OF MEETINGS--NOTIFICATION
REQUIREMENTS AND PROCEDURES FOR PUBLICATION**

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY
ENGAGEMENT**

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

At the School Board meeting of October 15, 2008, the School Board authorized the amendment of School Board Rule 6Gx13- 8C-1.101, *Types of Meetings--Notification Requirements and Procedures for Publication*. The proposed changes to this rule were submitted pursuant to the School Board's approval of Agenda Item H-8 (Review and Revise School Board Rules), presented by Ms. Perla Tabares Hantman, Vice Chair, at its meeting of September 10, 2008.

The proposed amendment to School Board Rule 6Gx13- 8C-1.101, allows for requests for Special Board meetings that are made at publicly held School Board meetings be approved by a vote of the majority of the members of the School Board that are present at said meetings.

The Notice of Intended Action was published in the *Miami Daily Business Review* on October 20, 2008, 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 the 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 rules in the official records of The School Board of Miami-Dade County, Florida.

Attached is the Notice of Intended Action and the rule proposed for amendment. Changes from the current rule is 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 6Gx13-8C-1.101, *Types Of Meetings--Notification Requirements And Procedures For Publication*, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective, November 18, 2008.

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-1.101, *Types of Meetings--Notification Requirements and Procedures for Publication*, at its meeting of November 18, 2008.

PURPOSE AND EFFECT: The proposed amendment to this rule is to allow the approval of a request for a Special Board Meeting, made at a publicly held School Board meeting, be approved by a majority vote of the members of the Board who are present at said meeting.

SUMMARY: To allow for the approval--by a majority vote of the members present--of requests for a Special Board meeting that are made at publicly held School Board Meetings.

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 18, 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

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.~~ A majority of the members of the Board may request the convening of a Special Meeting of the full Board by seeking the approval of a majority of the members present at a regular or Special Board 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. If a larger than normal attendance by the public is anticipated for any specific School Board workshop, the workshop may be held at the School Board auditorium. 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(23); 1001.43(10), F.S.

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

History

New: 8-17-05

Amended: 9-10-08

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA