

Office of School Board Attorney
Luis M. Garcia, Interim School Board Attorney

SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE:
FINAL READING, 6GX13- 8B-1.04, OFFICERS

COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL
RELATIONS

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

At the School Board meeting of December 10, 2008, the School Board authorized the amendment of School Board Rule 6Gx13- 8B-1.04, Officers. The proposed changes to this rule was submitted pursuant to the School Board's approval of Agenda Item H-6 (Positions of School Board Chair and Vice Chair), presented by Dr. Marta Pérez, Vice Chair, at its meeting of November 18, 2008.

The proposed amendment to School Board Rule 6Gx13- 8B-1.04, Officers, specifies a rotation process for the selection of the Vice Chair that allows all Board members that have not previously served as Vice Chair to serve in this capacity, commencing with the School Board's November 17, 2009 Organization Meeting.

The Notice of Intended Action was published in the *Miami Daily Business Review* on December 15, 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 rule 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 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- 8B-1.04, Officers, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective, January 14, 2009.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on December 10, 2008, its intention to amend School Board Rule 6Gx13- 8B-1.04, *Officers* for Publication at its meeting of January 14, 2009.

PURPOSE AND EFFECT: The purpose of amending this rule is to provide for the election of Vice Chair with a rotation method that allows all Board members that have not previously served as Vice-Chair to serve in this capacity.

SUMMARY: This rule is being recommended for amendment by establishing a rotation system, beginning with the November 17, 2009 organization meeting, for the appointment of the School Board's Vice-Chair.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1), (2); 1001.42(25); 1001.43(10), F.S.

LAW IMPLEMENTED, INTERPRETED OR MADE SPECIFIC: 1001.371; 1001.48, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of January 14, 2009, 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 provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by January 7, 2009, 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: November 25, 2008

School Board--Members of the Board**OFFICERS**

The officers of the Dade County School Board shall be:

1. Chair, to be elected by the Board;
2. Vice-Chair, to be elected by the Board; to be appointed by the Board in accordance with the following rotation system commencing with the Board's organization meeting of 2009:
 - a. Members who have not served as Chair or Vice-Chair will be selected to serve as Vice-Chair in order of seniority on the Board;
 - b. This rotation process will continue until all Board Members who have not served in either position have had an opportunity to serve as Vice-Chair;
 - c. Once all Board members have served in the capacity of Vice-Chair the position will be rotated amongst those Board members who have already served in either the position of Chair or Vice-Chair;
 - d. In determining seniority for purposes of selecting the Vice-Chair, if two or more members have served for the same amount of time, then the member from the voting district with the lowest designated number (in ascending order, for example, District 1, then District 2, and so on) would be appointed to the position of Vice-Chair;
 - e. Members appointed to the position of Vice Chair will serve for one year.
3. Secretary and executive officer, who shall be the Superintendent of Schools.

Provision for the above officers, their election and their replacement, is provided in the law as indicated in the legal reference below.

Specific Authority: 230.22(2) 1001.41(1), (2); 1001.42(25); 1001.43(10) F.S.
 Law Implemented, Interpreted, or Made Specific: 230.15 1001.371; 1001.48 230.34 F.S.

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
 Repromulgated: 12-11-74
 Technical Changes: 10-23-96