

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

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

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 amendment to School Board Rule 6Gx13- 8C-1.101, *Types of Meetings - Notification Requirements and Procedures for Publication*, to allow workshops to be conducted without the necessity of a quorum being present so long as the meetings adhere to the requirements of the Sunshine Law and applicable notice requirements.

At the Final Reading conducted at the January 14, 2009 Board meeting, the proposed changes to this Rule were considered by the Board. After a full discussion, the Board voted to make additional revisions to the Rule in order to clarify the process that would be followed in scheduling future workshops by the Board. The proposed changes include the changes requested by the Board at its January 14, 2008 meeting.

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-1.101, *Types of Meetings - Notification Requirements and Procedures for Publication*.

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-1.101, *Types of Meetings - Notification Requirements and Procedures for Publication*.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on February 11, 2009, its intention to amend School Board Rule 6Gx13- 8C-1.101, *Types Of Meetings—Notification Requirements and Procedures for Publication* at its meeting of March 18, 2009.

PURPOSE AND EFFECT: The purpose of amending this rule is to provide that School Board workshops may be held even if a quorum or a majority of the Board members are not present.

SUMMARY: This rule is being recommended for amendment by specifying that School Board workshops may be held without a majority of the members of the School Board being present at the workshop, so long as the meeting is noticed and the Chair or his/her designee has polled the Board to ensure that a majority of members will be present, and the meeting is conducted in accordance with the Sunshine Law.

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: Chapter 120; 120.525(3); 286.011; 1001.372(1), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of March 18, 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 March 10, 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 - 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. 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. Only after a minimum of six (6) Board members, upon being polled by the Chair through his or her designee, have advised of their intent to attend a workshop on a given date, shall the workshop be scheduled, noticed, and advertised. Once the workshop is advertised, noticed, and the meeting is conducted in accordance with the requirements of this rule and with any applicable provisions of the Sunshine Law, said workshop may be held even if a majority of the members of the School Board or a quorum is not present.

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(~~2325~~); 1001.43(10), F.S.

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

History

New: 8-17-05

Amended: 9-10-08; 11-18-08

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA