

Office of Superintendent of Schools
Board Meeting of March 17, 2010

March 3, 2010

Office of School Board Attorney
Walter J. Harvey, School 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: INNOVATION, EFFICIENCY AND GOVERNMENTAL
 RELATIONS**

**LINK TO STRATEGIC
FRAMEWORK: SCHOOL DISTRICT LEADERSHIP**

Pursuant to the School Board's approval of Agenda Item H-21 ("Board Member Proclamations"), presented by Dr. Marta Pérez, Vice Chair, at the June 17, 2009 meeting, the Board approved the commencement of a two (2) month pilot project requiring that regular Board meetings start at 11:30 a.m. for Board member agenda items seeking approval of resolutions, endorsements, and proclamations. At the August 5, 2009, School Board meeting, the Board voted to extend this pilot project through the December 9, 2009 regular meeting, except that the starting time of this segment of the meeting was changed to 12 p.m., noon. Subsequently, at the December 9, 2009, meeting, the Board approved Agenda Item H-2 ("Extension of Board's Pilot Project"), presented by Dr. Solomon Stinson, Chair, to initiate rulemaking to codify the pilot project. At its meeting of February 10, 2010, the Board approved Agenda Item G-1 and noticed its intention to amend School Board Rule 6Gx13-8C-1.101, *Types of Meetings – Notification Requirements and Procedures for Publication*, to codify the pilot project.

The proposed amendment specifies that: (1) regular School Board meetings will begin at 12:00 p.m. to consider Board Member agenda items designated by the Board Chair and seeking approval for resolutions, endorsements and proclamations; (2) a quorum must be present to vote on these items; (3) following the vote, the meeting will recess and the presentation of approved items may then be made; (4) a quorum is not necessary for the presentations; (5) any person signed up to speak to these items may do so at this time; and (6) the Board meeting will reconvene at 1:00 p.m., at which time a quorum must be present to address the remainder of the regular Board meeting agenda.

The Notice of Intended Action was published in the *Miami Daily Business Review* on February 16, 2010, posted in various places for public information, and mailed to various organizations representing persons affected by the amended rule and to individuals requesting information.

G-2

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with 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 6Gx13-8C-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 March 17, 2010.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on February 10, 2010, 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 17, 2010.

PURPOSE AND EFFECT: The purpose of this amendment is to permit the School Board to begin its regular Board meetings at 12:00 p.m. to vote on Board member agenda items designated by the Chair and seeking approval of resolutions, proclamations, and endorsements. A quorum must be present to vote on these items. Following the vote, the meeting will recess and the presentation of the approved items may then be made. A quorum is not required for the presentations. The Board will reconvene at 1:00p.m., at which time a quorum must be present, to address the remaining items on the regular board meeting agenda.

SUMMARY: This rule amendment is being recommended to codify the pilot project that has been in place since the July 15, 2009 Board meeting, and which will end within six (6) months of the December 9, 2009, Board meeting or when this amendment becomes final, whichever occurs first. This amendment will establish an effective process for the approval and presentation of Board member resolutions, proclamations, and endorsements.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1), (2); 1001.42(25) ~~(26)~~; 1001.43(10), F.S.

Revised
subsequent
to Initial
Reading
02/10/2010.

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 17, 2010, 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 9, 2010, 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. Solomon Stinson
Date: March 3, 2010

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 begin held at 12:00 p.m. 4:00 p.m. in the School Board Administration Building Auditorium, 1450 Northeast Second Avenue, Miami, Florida. At 12:00 p.m., the School Board will address Board member agenda items designated by the Board Chair and seeking approval of resolutions, endorsements or proclamations. A quorum must be present to vote on these items. Following the vote, the meeting will recess and the presentation of approved items may then be made. A quorum is not necessary for these presentations. All persons signed up to speak to these items may do so at this time. The Board meeting will reconvene at 1:00 p.m., at which time a quorum must be present, to complete the remainder of the regular Board meeting agenda.

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(25 26); 1001.43(10), F.S.

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

Revised
subsequent
to Initial
Reading
02/10/2010.

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 8-17-05

Amended: 9-10-08; 11-18-08; 3-25-09