

Office of School Board Attorney
Walter J. Harvey, Board Attorney

**SUBJECT: REPEAL ALL EXISTING BOARD RULES; FINAL
READING OF PROPOSED POLICIES TO REPLACE
EXISTING BOARD RULES**

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY
ENGAGEMENT**

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

In 2003, the Florida Legislature revised the Florida Education Code which changed Florida's education laws both substantively and technically. Since that time, whenever the School Board has approved new rules or rule amendments, those rules have been updated to conform to the new Code. However, a majority of the current School Board Rules have not been updated since 1974. Many of the rules are obsolete, outdated or redundant and duplicative.

Section 120.74, F.S., requires School Boards to annually "review and revise its rules as often as necessary to ensure that its rules are correct and comply with statutory requirements..." The School Board must:

- (a) identify and correct deficiencies in its rules;
- (b) clarify and simplify its rules;
- (c) delete obsolete or unnecessary rules; and
- (d) delete rules that are redundant of statutes.

The School Board has emphasized on numerous occasions the importance of revising and updating the over five hundred (500) School Board Rules, and formally in a March 25, 2009, Agenda Item H-20 ("Status of Rules Revision Project"). At its meeting of April 14, 2010, the Board approved Agenda Item G-3 ("Authorization to Contract with NEOLA"), authorizing the School Board Attorney's Office to execute a contract with Northeast Ohio Learning Associates, Inc. ("NEOLA"), to assist the Board in revising and updating the School Board rules in compliance with Section 120.74, F.S.

Pursuant to the contract, NEOLA offered policy and rule templates to the District staff. Staff, with the School Board Attorney's Office, then determined whether current rules

should be retained, replaced by NEOLA's templates or combined with NEOLA's language to create a new rule or policy unique to the District.

District staff and the School Board Attorney's Office have spent considerable time and effort over the last eight months to accomplish this historic and monumental task. The proposed policies re-codify and update existing Board rules in the areas of School Board governance (bylaws), student, academic program, human resources, finance, facilities, school operations, and community relations. The proposed policies have also been conformed to current legislation, similar rules have been consolidated, and redundant and obsolete language eliminated. Finally, the proposed policies are organized so that policies will be easier to find, understand and use.

NEOLA facilitated School Board workshops to review the proposed revisions on the following dates: September 15, 2010, Section 0000 – Bylaws; November 10, 2010, Sections 6000 – Finance, 7000 – Facilities, 8000 – School Operations, and 9000 – Community Relations; and February 10, 2011, Sections 1000 – Administrative, 3000 – Instructional Staff, 4000 – Non-Instructional Staff, 2000 – Student and 5000 – Program.

At its Special Board Meeting on March 30, 2011, the School Board approved amended Agenda Item SP-1("Initial Reading") and announced its intention to repeal all current rules and replace with the proposed policies. These proposed policies have been provided under separate cover to Board members and are available for review at the Citizen's Information Center and the District website <http://www.dadeschools.net/schoolboard/rules/>. They will be effective July 1, 2011.

The Notice of Intended Action was published in the *Miami Daily Business Review* on April 6, 2011, posted in various places for public information, and mailed to various organizations representing persons affected by the proposed policies and to individuals requesting information.

The time to request a hearing or protest the adoption of these rules has elapsed.

Pursuant to the Administrative Procedure Act, these proposed policies are presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file them in the official records of The School Board of Miami-Dade, County, Florida, effective July 1, 2011. Attached is the Notice of Intended Action to repeal all existing Board rules and replace with the proposed policies.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, repeal all existing Board rules, adopt the proposed policies, and authorize the Superintendent to file the policies in the official records of The School Board of Miami-Dade County, Florida, to be effective July 1, 2011.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on March 30, 2011, its intention to repeal all existing School Board Rules and replace them with proposed policies in the areas of School Board governance (bylaws), student, academic program, human resources, finance, facilities, school operations and community relations, at its meeting of May 11, 2011.

PURPOSE AND EFFECT: The purpose of this action is to repeal all existing School Board rules and replace them with proposed policies in the areas of School Board governance (bylaws), student, academic program, human resources, finance, facilities, school operations and community relations. The proposed policies will be effective on July 1, 2011, and are available for review at the Citizen Information Center and the District website <http://www.dadeschools.net/schoolboard/rules/>.

SUMMARY: When adopted, the proposed policies will replace all existing Board rules, effective July 1, 2011. The proposed policies re-codify and update existing Board rules, conform to current legislation, consolidate similar rules, eliminate redundant and obsolete language, and provide a new organizational structure so that the policies will be easier to find, understand and use.

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: Section 120.74, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of May 11, 2011, 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 April 27, 2011, to the Superintendent, 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 POLICIES 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, and on the District's website <http://www.dadeschools.net/schoolboard/rules/>.

Originator: Walter Harvey, School Board Attorney
Date: March 22, 2011