

Office of Superintendent  
Board Meeting of August 7, 2013

July 23, 2013

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

**SUBJECT:** INITIAL READING: PROPOSED AMENDMENT OF POLICIES 0165, PUBLIC MEETINGS, AND 0165.1, AGENDA

**COMMITTEE:** INNOVATION, EFFICIENCY & GOVERNMENTAL RELATIONS  
**LINK TO STRATEGIC FRAMEWORK:** SCHOOL/DISTRICT LEADERSHIP

Pursuant to Agenda Item H-3 ("Board Meeting Start Time") presented by Mr. Carlos L. Curbelo, Board Member, at the July 17, 2013, Board meeting, the Board authorized rulemaking to change the starting time for presentation of Board member proclamations and resolutions and the Superintendent's Special Orders so that the Board may adhere to its published 1:00 p.m. start time for the business portion of regular meetings. The starting time of this portion of the meeting will be changed from 11:45 a.m. to 11:00 a.m. In addition, the number limitation of proclamation/resolution items per Board member per meeting is being reduced from three (3) items to two (2). The amendment also allows the Board to recess for lunch prior to the 1:00 p.m. start time of the business portion of the regular meeting if time permits.

Attached are the Notice of Intended Action and the proposed policy amendments. 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 pursuant to the Administrative Procedure Act to amend Policies 0165, *Public Meetings*, and 0165.1, *Agenda*, to change the start time of the Board member proclamation/resolution and Superintendent's Special Orders portion of the Board's regular meeting from 11:45 a.m. to 11:00 a.m., reduce the number of these types of items allowed per Board member per meeting from three (3) to two (2), and allow the Board to recess for lunch prior to the 1:00 start time of the business portion of the regular agenda if time permits.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings pursuant to the Administrative Procedure Act to amend Policies 0165, *Public Meetings*, and 0165.1, *Agenda*.

**G-1**

## **NOTICE OF INTENDED ACTION**

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on August 7, 2013, its intention to amend Board Policies 0165, *Public Meetings*, and 0165.1, *Agenda*, at its meeting of October 16, 2013.

**PURPOSE AND EFFECT:** The purpose of the recommended amendments is to change the start time of the Board's regular meetings from 11:45 a.m. to 11:00 a.m. in an effort to allow sufficient time for Board member proclamations and resolutions and the Superintendent's Special Orders to be presented so that the Board may adhere to its published 1:00 p.m. start time for the business portion of the regular meeting. In addition, the number limitation of proclamation/resolution items per Board member per meeting is being reduced from three (3) items to two (2). The amendments also allow the Board to recess for lunch prior to the 1:00 p.m. start time of the business portion of the regular meeting if time permits.

**SUMMARY:** Because the resolution/proclamation and Superintendent's Special Orders portion of the regular Board meeting often extends past the published 1:00 p.m. start time for the business portion of the meeting, this amendment allows for board member proclamations and resolutions and the Superintendent's Special Order presentations to begin earlier. In addition, the number limitation of proclamation/resolution items per Board member per meeting is being reduced from three (3) items to two (2). The amendments also allow the Board to recess for lunch prior to the 1:00 p.m. start time of the business portion of the regular meeting if time permits.

### **SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:**

1001.41 (1), (2); 1001.42 (25); 1001.43 (10); F.S.

**LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC:** 1001.41 (1), (2); 1001.42 (25); 1001.43 (10); F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF October 16, 2013, 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 to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by September 2, 2013, 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 AMENDED POLICIES are 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: Mr. Carlos L. Curbelo, Board Member

Date: July 17, 2013

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MEETINGS

2 0165

**Public Meetings**

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A. Regular Meeting

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The School Board shall hold at least one (1) regular meeting each month according to a schedule approved by the Board at its organization meeting.

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All regular meetings will begin at 11:0045 a.m. in the Board Administration Building Auditorium, 1450 Northeast Second Avenue, Miami, Florida. At 11:0045 a.m., the Board will address Board member agenda items designated by the Board Chair and seeking approval of recognitions, resolutions, endorsements or proclamations. Board members are limited to ~~three (3)~~ two (2) presentations of these types of items per Board meeting. 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 Superintendent's Special Orders shall follow the Board member presentations. The Board may then recess for lunch if time permits. 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.

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Upon public notice, regular meetings of the Board may be held at any appropriate public place in the county. Public notice shall consist of publication in a newspaper of general circulation in the county.

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Any change in the date or time for these meetings shall be by an action of the Board.

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B. Board Committee Meetings

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Board committee meetings addressing the monthly Board agenda shall occur after the publication of the official agenda and prior to the regularly scheduled monthly Board meetings. Unless otherwise noticed, these meetings shall be held in

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**THE SCHOOL BOARD OF  
MIAMI-DADE COUNTY**

BYLAWS  
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Room 726, Board Administration Building, 1450 NE 2 Ave.,  
Miami, Florida.

C. Special Meeting

Special meetings may be called for official action on topics specified in the call and agenda for the meeting by the Superintendent, the Chair of the Board through the Superintendent, or by request of a majority of the members of the Board. A majority of the members of the Board may only 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.

Unless otherwise noticed, all special meetings will be held in the Board Administration Building Auditorium, 1450 NE 2 Ave., Miami, Florida. The date and time shall be specified in the call and agenda for each meeting.

D. Emergency Meeting

If the Board finds that an immediate danger to the public health, safety, or welfare requires immediate action, it may hold an emergency public meeting in accordance with State law.

E. Public Hearings

Public hearings may be scheduled on a specific topic, document, or proposal which is to be the subject of Board action that will be taken at the public hearing or at an upcoming regular Board meeting, either to comply with State law or to hear citizens on an issue of great public interest.

F. Conference Session

Conference sessions may be conducted to receive information and confer with the Superintendent on issues requiring in-depth consideration and discussion with a possible proposed recommended action to be taken by the Board at an upcoming regular meeting. Citizens will not be heard at conference sessions unless the Board determines otherwise in advance of the session.

1                   G.     Workshop

2                   Workshops may be scheduled to receive information and  
3                   confer with the Superintendent on issues requiring in-depth  
4                   consideration and discussion, with a possible proposed  
5                   recommended action to be taken by the Board at an  
6                   upcoming regular meeting. Only after a minimum of six (6)  
7                   Board members, upon being polled by the Chair through  
8                   his/her designee, have advised of their intent to attend a  
9                   workshop on a given date, shall the workshop be scheduled,  
10                  noticed, and advertised. Once the workshop is advertised,  
11                  noticed, and the meeting is conducted in accordance with the  
12                  requirements of this rule and with any applicable provisions  
13                  of the Sunshine Law, the workshop may be held even if a  
14                  quorum is not present.

15                  Workshops will be conducted in Conference Room 726B of  
16                  the Board Administration Building, 1450 Northeast Second  
17                  Avenue, Miami, Florida, unless otherwise noticed. If a greater  
18                  than normal attendance by the public is anticipated for any  
19                  specific Board workshop, the workshop may be held at the  
20                  Board auditorium. The date and time shall be specified in the  
21                  call and agenda for the meeting.

22                  H.     Member Conferences

23                  Individual Board members may sponsor conference-type  
24                  discussions, inviting Board members, staff and members of  
25                  the public to engage in a voluntary and informal discussion of  
26                  topics of vital concern to the member in an effort to foster a  
27                  free flowing exchange of information and ideas. These  
28                  conferences must be open to the public and otherwise satisfy  
29                  Florida law governing public meetings and applicable Board  
30                  policies.

1                    These are voluntary forums for discussion purposes only, are  
2                    not official Board meetings, and no action may be taken on  
3                    the topics discussed. Agendas for these meetings will be  
4                    proposed by the Board member calling the meeting and may  
5                    be changed or amended as provided by the Sunshine Law,  
6                    Board policies, and the Administrative Procedure Act.

7                    All meetings at which official acts are to be taken are open public  
8                    meetings, and no resolution, rule, policy, regulation, or formal action  
9                    shall be considered binding except as taken or made at such a  
10                   meeting. All meetings of the Board shall be open to the public,  
11                   except as provided by Florida law, and the order of business of any  
12                   regular meeting shall include an opportunity for the public to  
13                   address the Board.

14                   F.S. 447

15                   Revised 9/7/11

16                   © NEOLA 2010

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MEETINGS

2 0165.1

**Agendas**

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A. Preparation and Distribution

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The Superintendent shall be responsible for the preparation and distribution of the agenda for regular and special meetings of the School Board. The agenda shall contain, in order of presentation, a listing of each subject and, if appropriate, the recommendation(s) for each item to be considered by the Board.

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On occasion, holder agenda items may need to be developed in preparation of the agenda when there is insufficient information to provide a full description of the action being proposed. Holder agenda items shall describe the purpose and intent of the item in as much detail as possible.

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The agenda for each Board meeting shall be prepared and distributed in accordance with the requirements of the State of Florida Administrative Procedure Act.

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B. Items Board Member Wish to Include in the Agenda

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Board members who sponsor items, including resolutions, which they wish to have considered at regular Board meetings should submit them to the Superintendent for inclusion in the agenda at least nine (9) calendar days prior to a regular Board meeting. Proposed Board member items are to be submitted for each subsequent meeting no earlier than the next regular business day after the conclusion of the prior regular Board meeting. In order to ensure that items proposed by Board members are numbered in the order in which they are received by the Board Office Manager or anyone designated by the Superintendent for this purpose, all proposed items by Board members will be date-stamped and numbered in the sequence in which they are received. All proposed items submitted must contain, at a minimum, a subject heading specifying the topic that is being proposed for discussion.

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1                   C.     Agenda Changes

2                   The agenda shall contain the items to be considered in the  
3                   order of presentation. After the agenda has been made  
4                   available, a change shall be made only for good cause, as  
5                   determined by the Chair, and stated in the record.  
6                   Notification of such change shall be at the earliest practicable  
7                   time.

8                   D.     Co-Sponsorship of Board Member Agenda Items

9                   Board members may co-sponsor another Board member's  
10                  agenda item after it has been published by publicly  
11                  expressing their desire to co-sponsor the item at the Board  
12                  committee meeting prior to the Board meeting in which the  
13                  item will be considered. If the prime sponsor accepts the  
14                  co-sponsor(s), the prime sponsor will revise and resubmit the  
15                  item with the addition of the co-sponsor(s).

16                 Board members may also express their desire to co-sponsor  
17                 an item at the regular meeting in which the item is presented  
18                 for Board approval. If co-sponsorship is requested at a Board  
19                 meeting, the Board shall treat the request pursuant to  
20                 Robert's Rules of Order as a motion to amend the item to  
21                 indicate the co-sponsorship(s).

22                 Board members may only co-sponsored other Board  
23                 members' regular Board meeting agenda items.  
24                 Co-sponsorship of another Board member's recognition,  
25                 resolution, endorsement or proclamation will be counted  
26                 towards the co-sponsoring member's ~~three (3)~~ two (2) item  
27                 limit for these types of agenda items as described in Policy  
28                 0165.

29                 E.     Consent Agenda

30                 At the beginning of regular Board meetings, the Chair will call  
31                 for items which the Board members would like to address and  
32                 announce those items. The Chair shall then call for a vote on  
33                 all other agenda items. These items constitute the consent  
34                 agenda. Rule-making items on which a public hearing has  
35                 been timely requested pursuant to Bylaw 0131 may not be  
36                 approved on consent.



1                   F.     Distribution of the Agenda

2                   1.     School Board Members

3                   The agenda of regular meetings shall be distributed to  
4                   members of the Board and the student advisor at least  
5                   seven (7) days in advance of the meeting date. Copies  
6                   also will be made available to the Board members'  
7                   administrative assistants. The final versions of all  
8                   items and all relevant agenda related material and  
9                   back-up documentation must be presented to Board  
10                  members at least two (2) days before the Board  
11                  committee meetings. This requirement shall not apply  
12                  to items dealing with personnel appointments and  
13                  assignments, matters that are not appropriate for  
14                  review by Board committees, and items presented at  
15                  special or emergency meetings of the Board.

16                  2.     Administrative Staff and Recognized Employee  
17                  Organizations

18                  The Superintendent shall determine the administrative  
19                  staff of the school system to whom the agenda for  
20                  regular and special meetings of the Board will be  
21                  distributed in advance of the meetings and shall  
22                  distribute the agenda to employee organizations as  
23                  provided for in the collective bargaining agreements  
24                  with approved bargaining units.

25                  3.     Individuals and Community Organizations

26                  a.     A copy of the agenda may be examined and/or  
27                  obtained by an interested person at the Citizen  
28                  Information Center after the agenda is  
29                  published.

1 For news media representatives, the County  
2 Council PTA/PTSA Executive Board, the Miami-  
3 Dade County Association of Student  
4 Government Presidents, and other governmental  
5 education-related community organizations,  
6 copies of the agenda will be made available at no  
7 cost through the Citizen Information Center.  
8 Requests for other distribution may be made by  
9 the Superintendent or any Board member.

10 b. A copy of the agenda also will be available at the  
11 Citizen Information Center prior to and during  
12 Board meetings.

13 c. The agenda may be accessed via the Board's  
14 website.

15 G. Distribution of Agenda-related Supplemental Materials and  
16 Documents

17 1. Board Members

18 Prior to each meeting of the Board, the Superintendent  
19 will distribute to each Board member and the student  
20 advisor supporting materials and documents prepared  
21 to accompany the items which are included on the  
22 agenda. The final versions of all items, along with all  
23 relevant agenda related material and back-up  
24 documentation must be presented to Board members  
25 at least two (2) days before the Board committee  
26 meetings. Copies of the supporting materials and  
27 documents also will be made available to the  
28 administrative assistants to the members of the Board.

29 2. Administrative Staff and Recognized Employee  
30 Organizations

31 The document containing supplemental materials to  
32 the agenda will be distributed to the administrative  
33 staff of the school system as determined by the  
34 Superintendent. The Superintendent shall distribute  
35 this document to employee organizations as provided  
36 for in the collective bargaining agreements with  
37 approved bargaining units.

1                                 The distribution of this document, though, shall be  
2                                 kept to an absolute minimum because of the expense  
3                                 involved in preparing copies of all documents and  
4                                 materials.

5                                 3.       For news media representatives, the County Council  
6                                 PTA/PTSA Executive Board, the Miami-Dade County  
7                                 Association of Student Government Presidents, and  
8                                 other governmental and education-related community  
9                                 agencies, copies of the supplemental materials will be  
10                                 made available to them at no cost through the Citizen  
11                                 Information Center. The distribution of these materials  
12                                 shall be kept to an absolute minimum because of the  
13                                 expense involved in preparing copies of all documents  
14                                 and materials.

15                                 A copy of these materials will be available at the Citizen  
16                                 Information Center prior to and during Board meetings.

17                                 H.       The Board shall transact business according to the agenda  
18                                 prepared by the Superintendent and submitted to all Board  
19                                 members in advance of the meeting. The order of business  
20                                 may be altered by a majority vote of the members present and  
21                                 items added for good cause as determined by the Chair.

22                                 I.       The agenda for special meetings called by the Superintendent,  
23                                 or by the Superintendent on request of the Board Chair, or on  
24                                 the request of a majority of the Board members, shall be  
25                                 prepared upon the calling of the meeting but not less than  
26                                 forty-eight (48) hours prior to such a meeting.

27                                 Revised 4/17/13