SUBJECT: INITIAL READING: TO AMEND BOARD POLICIES 0166, NON-PUBLIC MEETINGS; AND 5112, ENTRANCE REQUIREMENTS

COMMITTEE: PERSONNEL, STUDENT, SCHOOL, AND COMMUNITY SUPPORT

LINK TO STRATEGIC BLUEPRINT: SAFE, HEALTHY & SUPPORTIVE LEARNING ENVIRONMENT

Consistent with the Board’s statutory responsibility to periodically review and update its policies to conform to legislative changes and District practices, authorization is requested for the Superintendent to initiate rulemaking proceedings to amend several Board policies related to school and student safety. These amendments have been recommended by NEOLA, Inc., the Board’s policy consultant, and have been drafted in collaboration with, and reviewed by, the Superintendent, Cabinet, and District staff of departments that will implement them.

Board Policy 0166, Non-Public Meetings, is proposed to be amended to establish in policy the Board’s existing statutory authority under Florida’s Sunshine law to hold meetings related to security system plans in private. These meetings are not required under Section 281.301, F.S., to be noticed and do not require that minutes be taken or released to the public. In addition, any documents and records relating to security system plans that are reviewed or discussed during the confidential meeting are exempt from disclosure under Section 119.07(3)(a), F.S.

In addition, one of the amendments the Legislature made to Section 1006.07(1)(b), F.S., in response to the Marjory Stoneman Douglas tragedy, was that upon enrollment in a public school, students must disclose any referrals to mental health services they may have had. Board Policy 5112, Entrance Requirements, is proposed to be amended to add this requirement.

Attached are the Notice of Intended Action and policy amendments. Changes 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 to amend Board Policies 0166, Non-Public Meetings, and 5112, Entrance Requirements.
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 Board Policies 0166, Non Public Meetings, and 5112, Entrance Requirements.
NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on February 13, 2019, its intention to amend Board Policies 0166, Non-Public Meetings, and 5112, Entrance Requirements, at its regular meeting on April 17, 2019.

PURPOSE AND EFFECT: Board Policy 0166, Non-Public Meetings, is proposed to be amended to establish in policy the Board’s existing statutory authority under Florida’s Sunshine law to hold meetings related to security system plans in private. These meetings are not required under Section 281.301, F.S., to be noticed and do not require that minutes be taken or released to the public. In addition, any documents and records relating to security system plans that are reviewed or discussed during the confidential meeting are exempt from disclosure under Section 119.07(3)(a), F.S.

Board Policy 5112, Entrance Requirements, is proposed to be amended to add the new statutory requirement in Section 1006.07(1)(b), F.S., that upon enrollment in a public school, students must disclose any referrals to mental health services.

SUMMARY: Board Policy 0166, Non-Public Meetings, is proposed to be amended to establish in policy the Board’s existing statutory authority under Florida’s Sunshine law to hold meetings related to security system plans in private. Board Policy 5112, Entrance Requirements, is proposed to be amended to add the new statutory requirement in Section 1006.07(1)(b), F.S., that upon enrollment in a public school, students must disclose any referrals to mental health services.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41 (1), (2), (3); 1001.42 (4), (8), (11); 1001.43(1), (4), (7); F.S.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 119.071(3)(a); 281.301; 286.011; 1006.07(1)(b); 1012.584; F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF April 17, 2019, 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 March 12, 2019, 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)

COPIES OF THE PROPOSED AMENDED POLICIES are available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 N.E. Second Avenue, Miami, Florida 33132.
MEETINGS

Non-Public Meetings

A. Attorney-Client Sessions

The School Board and its attorneys may meet in private to discuss pending litigation to which the Board is presently a party under the following conditions:

1. The Board Attorney shall advise the Board at a public meeting that s/he desires advice concerning the litigation. Alternatively, the Board Attorney may submit a written request for an attorney-client session to the Board Chair.

2. The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

3. The Board shall give reasonable public notice on the Board’s website and a local newspaper of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending.
4. The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter’s notes shall be fully transcribed and filed with the Clerk of the Board within a reasonable time after the meeting.

5. At the conclusion of the attorney-client session, the meeting shall be reopened, and the person chairing the meeting shall announce the termination of the session.

6. The transcript shall be made part of the public record upon conclusion of the litigation.

7. Any discussions held during the attorney-client session and any materials presented at the session are confidential and may not be publicly disclosed, except as provided under F.S. 286.011(8).

B. Risk Management Sessions

The Board and its attorneys may meet in private to discuss the evaluation of claims filed with the risk management program or which relate solely to offers of compromise of claims filed with the risk management program. Until termination of all litigation and settlement of all claims arising out of the same incident, persons involved in discussions pertinent to the evaluation of a filed claim shall not be subject to subpoena in any administrative or civil proceeding with regard to the content of those discussions.
All risk management sessions held between the Board, its attorneys and members of the School District’s Risk Management department shall abide by the recording requirements. The Board Attorney shall communicate the need for a Risk Management session to the Chair of the Board who shall determine the date the meeting will be held.

Risk management sessions do not require public notice. Any discussions held during a risk management session and any materials presented at the session are confidential and may not be publicly disclosed until termination of all litigation and settlement of all claims arising out of the same incident, although portions of the claim files may remain exempt from disclosure.

C. Executive Sessions

The Board may meet privately in confidential executive session to discuss issues related to collective bargaining.

All work product developed by the Superintendent or the Board in preparation for negotiations, and during negotiations are confidential and exempt from Public Records laws.

The Superintendent shall notify the Board of the need for an executive session at the earliest practical date before the session is scheduled.

Executive sessions of the Board do not require public notice, but the memorandum setting the date, time and purpose of the session may be publicly disseminated. Any discussions held during an executive session and any materials presented at the session are confidential, and may not be publicly disclosed.
D. Public-Private Partnerships and Unsolicited Proposals

In accordance with F.S. 255.065 and Policy 6327, Public-Private Partnerships and Unsolicited Proposals, any portion of a meeting of the Board during which an unsolicited proposal that is exempt is discussed is non-public. Board meetings to discuss exempt unsolicited proposals shall be conducted in accordance with Policy 0166, Non-Public Meetings, and called and noticed in the same manner as a special meeting under Policy 0164, Notice of Meetings, and Policy 0165, Public Meetings.

A complete recording must be made of any portion of an exempt meeting. No portion of the meetings may be held off the record. The recording of, and any records generated during, the exempt meeting are exempt from F.S. 119.07(1) and Section 24(a), Art. I, Fl. Constitution, until such time as the Board provides notice of an intended decision for a qualifying project or 180 days after receipt of the unsolicited proposal by the Board if the Board does not issue a competitive solicitation for the project.

If the Board rejects all proposals and concurrently provides notice of its intent to reissue a competitive solicitation, the recording and any records generated at the exempt meeting remain exempt from F.S. 119.07(1) and Section 24(a), Art. I, Florida Constitution, until the Board provides notice of an intended decision concerning the reissued competitive solicitation or until the Board withdraws the reissued competitive solicitation for the project.

A recording and any records generated during an exempt meeting are exempt for no longer than ninety (90) days after the initial notice by the Board rejecting all proposals.
E. Security Meetings

The Board may meet privately in confidential session to discuss issues related directly to or that would reveal the security systems for any property owned by or leased to the Board.

All documents related to the meeting that would reveal a security system plan or portion thereof are confidential and exempt under Public Records laws.

The Superintendent shall notify the Board of the need for a confidential session to discuss security issues under this section at the earliest practical date before the session is scheduled. The Board may also convene a confidential session under this section during any public meeting should the need arise.

These meetings are exempt from the requirements of the Sunshine law. No notice of the meeting or recording of the meeting is required. Any discussion held during these sessions and any materials presented are confidential and may not be publicly disclosed.

F. Penalties For Violation of Confidentiality of Closed Sessions

All participants attending these non-public meetings must maintain the confidentiality of the information provided and may not disclose this information to the public. Disclosure of confidential information may place the Board in a disadvantageous position in either litigation or in collective bargaining. In addition, disclosure of such confidential information could be a violation of the Code of Ethics for Public Officers and Employees as outlined under F.S. Chapter 112. A complaint shall be filed, if deemed appropriate, by the Ethics Advisory Committee with the Florida Commission on Ethics against any individual who is determined to have disclosed confidential information that was provided solely at an attorney-client, risk management, or executive session. The Florida Commission on Ethics has
the authority to make final determinations with regard to such complaints. Participants at these sessions are not precluded from using the information provided in these sessions to fulfill the duties and responsibilities of their assigned administrative positions.

### Settlement Authority

Any settlements of civil cases that are reached as a result of an attorney-client session and that are beyond the monetary threshold afforded to the Board Attorney shall be presented to the Board for approval. Settlements of tort cases that are reached as a result of direction given at a risk management session do not require Board authorization if they do not go beyond the previously established monetary thresholds.

### Scheduling

The Board shall first consider Wednesdays to schedule all meetings in which Board members are requested to attend, recognizing that certain factors may impede consideration for Wednesdays including, but not limited to, advertisements, agenda publication deadlines, emergency meetings, annual organizational meeting, legislatively mandated periods for special meetings and budget public hearings, religious holidays, previously scheduled calendared conflicts and travel, legislative session, Dade Days, and graduations.
policy

THE SCHOOL BOARD OF
MIAMI-DADE COUNTY

STUDENTS

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1. **ENTRANCE REQUIREMENTS**

2. All children who have attained the age of six (6) years or who will have attained the age of six (6) years by February 1st of any school year or who are older than six (6) years of age but have not attained the age of sixteen (16) years, except as otherwise provided in Florida law, are required to attend school regularly during the entire school term. All children enrolling in a District school shall meet the immunization requirements in F.S. 1003.22 and provide evidence of a physical exam. The person enrolling the student shall report in person to the school to enroll their school age child.

3. A child who attains the age of sixteen (16) during the school year is not subject to compulsory school attendance beyond the date upon which s/he attains that age if the child files a formal declaration of intent to terminate school enrollment with the School Board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the child. The District must notify the parent of the child's declaration of intent to terminate school enrollment.

4. **Kindergarten**

5. Any child who will have attained the age of five (5) years on or before September 1st of the school year shall be eligible to enroll in kindergarten at any time during the year.

6. A transferring kindergarten student is eligible to be enrolled in the District if the entrance age requirements have been met outside Florida and the child had been regularly enrolled there.

7. Children entering kindergarten in the District for the first time must comply with F.S. 1003.21 regarding entry age. A child must be five (5) years old on or before September 1st, in order to meet the Florida age requirement for kindergarten. A child under age six (6) who is enrolled in kindergarten will be considered of compulsory school age.
First Grade

Any child who has attained the age of six (6) years on or before September 1st of the school year and satisfactorily completed the requirements for kindergarten in a public school according to the District's Student Progression Plan (Policy 5410) or in a nonpublic school from which the Board accepts transfer of academic credit, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades shall be admitted or promoted to the first grade at any time during the school year.

A transferring first grade student is eligible to be enrolled in the District if the entrance-age requirements have been met outside Florida and the child had been regularly enrolled there.

Children entering first grade in the District for the first time must comply with F.S. 1003.21. Any child who has attained the age of six (6) years on or before September 1st of the school year and who has been enrolled in a public school or who has attained the age of six (6) years on or before September 1st and has satisfactorily completed the requirements for kindergarten in a nonpublic school, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the District’s Student Progression Plan (Policy 5410).

Initial Entry

Every child initially entering a District school must prove age by an authentic document issued by a governmental agency. The school should attempt to verify age at the time of spring registration. State law (F.S. 1003.21) specifies the evidence which may be used for this purpose and also indicates that if the first prescribed evidence is not available, the next evidence obtainable in the order below shall be accepted:

A. a duly attested transcript of the child's birth record filed according to law with a public officer charged with the duty of recording births;
B. a duly attested transcript of a certificate of baptism showing the
date of birth and place of baptism of the child, accompanied by an
 affidavit sworn to by the parent;

C. an insurance policy on the child’s life which has been in force for at
least two (2) years;

D. a bona fide contemporary Bible record of the child’s birth
accompanied by an affidavit sworn to by the parent;

E. a passport or certificate of arrival in the United States showing the
age of the child;

F. a transcript of record of age shown in the child’s school record of at
least four (4) years prior to application, stating date of birth; or

G. if none of this evidence can be produced, an affidavit of age sworn to
by the parent, accompanied by a certificate of age signed by a public
health officer or by a public school physician, or, if neither of these
is available in the county, by a licensed practicing physician
designated by the Board, which certificate shall state that the health
officer or physician has examined the child and believes that the age
as stated in the affidavit is substantially correct.

H. Children entering the District for the first time must comply with
F.S. 1003.21 and with the District’s Student Progression Plan
(Policy 5410). Students must have an immunization record on file
at the school. Any student who does not have the proper
immunization shall be temporarily excluded from attendance until
compliance has been documented.
I. Upon a child's initial entry to a District school, the principal shall require evidence of a physical examination performed within one (1) year prior to the date of entry. An appointment for a physical examination by a county health officer, licensed physician, or chiropractor may be accepted provided the principal is given evidence of the physical examination within one (1) week of such examination. Students transferring into the District from a school within the State of Florida who have completed physical examination form as part of their school record need not be re-examined. Examinations taken out-of-state may be accepted if performed within one (1) year of entry and include documentation and reported on the official forms of the physician.

J. A child may be exempt from the required physical examination and/or immunization upon written request of the parent or guardian of such child stating objection to examination and/or immunization on religious grounds or for medical reasons certified by a competent medical authority.

Proof of Age

If acceptable proof of age is not presented when the child first seeks admission, the principal should enroll the student temporarily and give the parent thirty (30) calendar days to secure proper proof.

Birth Certificate

The Division of Attendance Services will supply appropriate forms for making application for a birth certificate. Some parents may need help from school personnel in completing these applications. Providing such assistance will enable the school to be sure that the proper procedure has been followed. Original copies of birth certificates usually have an embossed seal imprinted on them. All photostatic copies not bearing this seal should be carefully evaluated to determine authenticity.

If questions arise which the school cannot answer regarding birth certificates, the principal should call the appropriate region director.
Student Disclosures

Each student at the time of initial registration for school shall note previous school expulsions, arrests resulting in a charge, and juvenile justice actions, and referrals to mental health services, the student has had.

Verification of Residence

Verification of a parent’s residence via a Statement of Bonafide Residence - FM-7444 shall be required at the time the child registers in a District school. Verification of residence may also be required at any other time at the discretion of the Superintendent. The student shall reside with the parent placing the student in the attendance area of the school.

In addition, submission of two (2) of the following items are required:

A. broker's or attorney's statement of parents' purchase of residence, or properly executed lease agreement;

B. current Homestead Exemption card;

C. electric deposit payment receipt or electric bill, bottom portion, showing name and service address.

If verification is not provided or acceptable, the Superintendent may verify the student’s residence.

If an electric deposit payment receipt is used as verification, the electric bill, bottom portion, must also be submitted to the school within forty (40) calendar days after registration. If the parent is unable to furnish the school with the requested electric deposit payment receipt, the student will be allowed to enroll in the new school, but must submit the electric bill, bottom portion, to the school within forty (40) calendar days.
When a change of family residence occurs after ninety (90) school days in which a student is enrolled in a school which would place the student in a different attendance area, the student, upon the request of the parent, may complete the year in the present school. No transportation will be provided.

When a change of family residence occurs after ninety (90) days in which a student is enrolled in grades 11 through 12, or is enrolled in the last grade offered at a school, which would place the student in a different attendance area, the student, upon the request of the parent, may remain in the present school through graduation (for grades 11 through 12), or the last grade offered at the school. No transportation will be provided.

The Board authorizes the Superintendent to create, generate, communicate, store, process, use, and rely upon electronic signatures from a parent. District staff and parents shall comply with all the provisions of F.S. 668.50 regarding electronic records and electronic signatures.

Anyone who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her official duty is guilty of a second-degree misdemeanor of the second degree under F.S. 837.06. In addition, anyone who knowingly makes a false verified declaration is guilty of perjury, a third-degree felony under F.S. 95.525.

F.S. 92.525
F.S. 837.06
F.S. 1003.01
F.S. 1003.21
F.S. 1003.22
F.S. 1006.07(1)(b)
F.S. 1012.584
F.A.C. 6A-1.098
F.A.C. 6A-1.0985

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