

Dr. Steve Gallon III, Vice-Chair

**SUBJECT: AMENDMENT TO SCHOOL BOARD POLICY 6320,
PURCHASING**

COMMITTEE: FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS

LINK TO STRATEGIC

BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES

The School Board of Miami-Dade County remains committed to promoting and maintaining a high level of accountability, integrity, and transparency in the operation of the school district, including those that involve expenditures, procurement, and related financial matters. }

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PURCHASING

In fact, School Board Policy 6320, *Purchasing*, provides guidelines, procedures, and protocols for “procurement of supplies department under the general supervision of the Chief Procurement Officer and shall be made in accordance with all applicable State statutes, Florida State Board of Education Rules, School Board policies, and administrative procedures.”

School Board Policy also states that the Superintendent may approve or reject purchase requisitions when the total amount does not exceed \$50,000.00 or current threshold set by statute and that purchases exceeding \$50,000.00 or the current threshold set by statute shall be approved by the School Board except for those delineated in School Board Policy. Although School Board Policy states that the Superintendent shall be responsible for the procurement of supplies, materials, equipment, and services paid from Board funds, the ultimate authority and as a result, accountability rests with the School Board, as stipulated in F.S. 1001.42. School Board Policy must ensure that all purchases comply with law, rules, and regulations. Although statutorily allowable exceptions exist and are defined in School Board Policy 6320, state law does not preclude the School Board from establishing policies that are more impregnable than those aligned with state statutes.

At the School Board Meeting of January 17, 2018, the School Board unanimously (8-0) approved Agenda Item H-5 (Revised 2) sponsored by Dr. Steve Gallon III and co-sponsored by Maria Teresa Rojas, which directed the Superintendent to initiate rulemaking procedures, as necessary, to require quarterly written notification of purchases made through exemptions delineated in School Board Policy 6320 that exceed \$100,000 to the Board including date of purchase, vendor, amount, funding source, and purchasing authority.

**Revised Good Cause
H-15**

Recently, the School Board approved a Reopening Plan at its Special Board Meeting of July 1, 2020 consistent with Executive Order 2020-EO-06 issued by the Commissioner of Education on July 6, 2020 directing that all public schools be opened for the 2020-2021 school year, beginning this fall. The Executive Order specified that districts must open brick and mortar schools at least five days a week for all students subject to local health conditions and/or guidance from the Florida Department of Health. The Reopening Plan provided parents the option of a Schoolhouse Model, Digital Model, and Hybrid Model which reflected a combination of schoolhouse and digital. However, at the Special School Board Meeting of July 29, 2020 which was scheduled to provide an update to the District's School Reopening, the Hybrid Model was no longer presented as an option for parents to choose, and the Schoolhouse Model would not be available for the opening of schools, which was subsequently determined to begin completely online on August 31, 2020.

The Digital Model was presented to the Board as the sole option that would be made available to parents, through a new digital platform, K12, which provides District-wide curriculum and would be used as the District's single online platform for teachers, students, and families. The School Board was not presented an item to approve the selection and purchase of K12. It was confirmed at the School Board Committee Meeting of September 2, 2020, that the purchase of the K12 Program was through a no-bid contractual award and at a cost of \$15.3 million, which was allowable via current School Board Policy and though not required to be used by the District, was one of two programs approved by the State. It was also announced that the Contractual Agreement had not been fully executed, despite the fact that services such as professional development and training, course uploads, and platform access had been provided to the District.

Subsequently, significant challenges and issues were reported with the launch of the training and professional development on K12 beginning August 24, 2020. Concerns and issues were voiced by teachers, as well as parents who were also registered to begin online training during the same period. Concerns ranged from the effectiveness and delivery methods and content of the training to the compressed time to learn and prepare to utilize a new, critically important digital learning platform. Some teachers also expressed concerns that curriculum for their particular subject areas were not available and/or offered through the K12 platform. These concerns and issues were expressed through Monday, August 31, 2020, the first day of school at which point a "tipping point" was realized with the total "shutdown" of M-DCPS' online system---preventing students, parents, and employees from accessing the District and related student learning platforms.

Inasmuch as latitude in educational and related purchasing decisions is granted to the administration, none abdicates the role, responsibility, and accountability of the School Board for District expenditures and school system operations, and ultimately, the educational experiences and outcomes of students. Thus, a more impregnable policy than what state statutes allow would be appropriate via an amendment to School Board Policy.

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INSTRUCTIONAL MATERIALS

Section 1006.28, F.S, outlines the basic duties of the School Board, Superintendent, and Principal regarding instructional materials used in the school system. School Board Policy 2510, *Instructional Materials and Resources*, includes the statutory requirements and provides the required process.

Section 1006.28(2), F.S., states that “the district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students...” and must “adopt courses of study, including instructional materials, for use in the schools of the district.” Further, “each district school board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school library, or included on a reading list, whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through a district instructional material program, or otherwise purchased or made available.” This means that regardless of how instructional materials are selected, even for materials already on the state-approved list, the Board must go through the instructional materials adoption process.

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The Board’s instructional materials adoption process must allow for vetting by district staff, public review, comment, and objections on all instructional materials to be used in schools. The statute and Board Policy 2510 outline an extensive process required for rigorous staff vetting, public review and comment prior to the Board’s final adoption, as well as the objection process after the Board’s final adoption. All instructional materials must align with the District’s mission and course descriptions outlined in State Board of Education as well with the applicable state standards.

Section 1006.82(3), F.S., the Superintendent has “the duty to recommend such plans for improving, providing, distributing, accounting for, and caring for instructional materials and other instructional aids as will result in general improvement of the district school system...in accordance with adopted district school board rules prescribing the duties and responsibilities regarding the requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning, instructional materials, and providing for an evaluation of any instructional materials to be requisitioned that have not been previously used in district schools.”

Policy 2510 states that “whether instructional materials are selected and purchased from a State-approved or through the District’s own instructional materials selection process the Board shall: (A) conduct an open noticed public hearing to receive comment on instructional materials being recommended by the Superintendent to the Board for adoption; (B) provide public access to recommended materials at least twenty (20) calendar days prior to Board consideration; (C) provided public notice of the materials being considered for adoption by the Board that specifically lists the materials and how they can be accessed; (D) conduct an open noticed public meeting on a date other than the date of the public meeting required above to approve an instructional materials plan identifying instructional materials that will be purchased by the District for the entire District (This does not include instructional materials by a school or teacher for the benefit of only that teacher or school); (E) receive public comment at the public hearing and meeting in accordance with Policy 0169.1, Public Participation.

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The Policy also outlines the process for citizen objections within a 30-day period after the Board’s final adoption. If objections are filed, the Board must consider them and may or may not make adjustments in the final adoption based on those objections.

The statutory and policy definition of instructional materials that require adoption by the Board in accordance with the statute and policy includes textbooks, electronic content, and “computer courseware or software that serves as the basis for instruction or each student in the core subject areas of mathematics, language arts, social studies, science, reading, and literature.” Section 10006.28(1)(a), F.S.

This item is being proposed to amend applicable Board Policies to ensure a greater level of accountability, integrity, and transparency in the purchases and adoption of District curriculum and related instructional materials. This item seeks to ensure that all significant purchases of instructional materials are appropriately evaluated, vetted and approved through an open and transparent process.

Good cause exists to vary from the published agenda because issues concerning the adoption and use of District-wide instructional materials have been raised since the agenda was published, and such issues are of immediate and significant public importance.

This item has been reviewed by the School Board Attorney for legal sufficiency.

**ACTION PROPOSED BY
DR. STEVE GALLON III:**

That The School Board of Miami-Dade County, Florida, direct the Superintendent to initiate rulemaking procedures to amend School Board Policy 2510, *Instructional Materials and Resources*, and any other applicable policies, to require that:

1. the use of all instructional materials, whether the term of use of the materials is greater or less than one year, shall be adopted in a manner that fully complies with applicable state laws and Policy 2510 for adoption of District-wide instructional materials; and
2. any waiver of any provision of Policy 2510 based on a declared emergency, which shall be defined in the Policy, shall be approved in advance by the Board in a public meeting before any instructional materials may be used by instructional staff. The reasons for the requested waiver and the anticipated cost shall be specified in the Board item, and the Board item shall include a link to the materials proposed to be used. If the emergency purchase of instructional materials is approved by the Board, instructional staff may begin using the approved materials immediately; however, the adoption process in Policy 2510 shall be initiated at the next regular Board meeting.