

Merrett R. Stierheim, Superintendent of Schools

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: INITIAL  
READING 6Gx13- 8C-1.15, AGENDA-REGULAR AND SPECIAL  
MEETINGS**

At the School Board meeting of January 16, 2002, the School Board instructed the Superintendent to amend the subject rule by adding language delineating the procedures to require the submission of the full content on agenda items being processed for the Board's consideration by the administrative staff and School Board members by noon Friday prior to the meeting.

The suggested procedure is desirable in all instances worthy of aspiration; however, in certain circumstances it may not be capable of compliance. Further, since School Board meetings are monthly, to promulgate a mandatory policy may not always be in the best interest of the School Board and the District.

By way of example, certain agenda items may not be capable of completion by noon prior to the Board meeting. These items include, but are not limited to, personnel actions such as employee disciplinary actions where an employee resigns immediately prior to the Board meeting rather than have the Board act upon the Superintendent's recommendation; amendments to School Board labor contracts that have not been ratified or completed prior to the Friday before the Board meeting; items involving finance or procurement; and agenda items that through the Committee process are changed and may not be completed prior to noon on Friday before the Board meeting.

While the clear direction to staff in all instances will be to complete the agenda item prior to noon the Friday before the Board meeting, some exceptions must be permitted. Further, pursuant to Florida Statute, the legal requirement is that the public be placed on sufficient notice concerning the nature of the agenda item. That is accomplished by a sufficiently detailed holder item as set forth in Board rule. An agenda item not found in the official agenda pursuant to Florida law must be approved as a good cause item as determined by the Chair. Items that are in the official agenda by holder are not good cause items.

Board rule provides that the Superintendent determine and exercise control over the agenda. Being fully mindful of the Board's need to have all agenda items to be complete well in advance of the meeting, it is requested that the Superintendent be afforded the authority and discretion to allow exceptions to the deadline of noon Friday prior to the Board meeting.

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A discussion of this matter prior to the amendment of the Board rule will assist the Superintendent in amending the Board rule to be consistent with both the goal of providing agenda items in a timely fashion while ensuring that time sensitive items do not have to wait until the next monthly meeting.

Attached are 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.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of Board Rule 6Gx13- 8C-1.15, Agenda-Regular and Special Meetings.

**RECOMMENDED:** That the School Board of Miami-Dade County, Florida do the following:

- 1) Discuss the issues concerning the amendment of the Board rule and permit certain exceptions to the timeliness as determined by the Superintendent to be in the district's best interest; and
- 2) Authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13- 8C-1.15, Agenda-Regular and Special Meetings.

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on February 13, 2002, its intention to amend School Board Rule 6Gx13-8C-1.15, Agenda—Regular and Special Meetings, at its meeting of April 17, 2002.

**PURPOSE AND EFFECT:** The revision to the School Board Rule adds language by requiring the submission of the full content on agenda items being proposed for the Board's consideration by noon Friday prior to the meeting.

**SUMMARY:** This rule establishes procedures for the preparation and distribution of the School Board Agenda for regular and special meetings in accordance with the requirements of the State of Florida Administrative Procedure Act.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** 230.22(2); 230.23(22) F.S.

**LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC:** 120.525(2); 230.23005(10) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF April 17, 2002, 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 by Section 120.541(1), F.S., must do so in writing by March 12, 2002, 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 for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mrs. Manty Sabatés Morse  
Date: January 30, 2002

School Board--Methods of Operation**AGENDA--REGULAR AND SPECIAL MEETINGS**

- I. Responsibility for Preparation and Distribution of the Board Agenda
  - A. The Superintendent of Schools shall be responsible for the preparation and distribution of the agenda for regular and special meetings of the 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.
  - B. 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 in as much detail as possible, the purpose, and the intent of the item. However, the full content of all agenda items being proposed for the Board's consideration shall be submitted by noon Friday prior to the meeting.
  - C. The agenda for each Board meeting shall be prepared and distributed in accordance with the requirements of the State of Florida Administrative Procedure Act.
- II. Publication of the Agenda for Regular and Special Meetings

The Administrative Secretary to the Board, designated by and under the direction of the Superintendent of Schools, shall be responsible for publication of the agenda for regular and special meetings.

  - A. The agenda for a regular meeting shall be published at least seven (7) days prior to the meeting.
  - B. The agenda for a special meeting of the Board shall be prepared upon the calling of the meeting and shall be distributed as widely as practical at least 48 hours prior to the meeting.
- III. Items Board Members Wish to Include in the Agenda

Board members who have items, including resolutions, which they wish to have considered at regular Board meetings should submit

such items to the Superintendent of Schools for inclusion in the agenda at least nine (9) calendar days prior to a regular Board meeting.

IV. Changes in the Agenda

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

V. Distribution of the Agenda

A. To Members of The School Board of Miami-Dade County, Florida

The agenda of regular meetings shall be distributed to members of the Board and the student advisor at least seven (7) days in advance of the meeting date. Copies also will be made available to the administrative assistants to the members of the Board.

B. To Administrative Staff within the School System and Recognized Employee Organizations

The Superintendent of Schools shall determine the administrative staff of the school system to whom the agenda for regular and special meetings of the Board will be distributed in advance of the meetings.

The Superintendent of Schools shall distribute the agenda to employee organizations as provided for in the collective bargaining agreements with approved bargaining units.

C. To Individuals and Organizations Outside the School System

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

For news media representatives, the County Council PTA/PTSA Executive Board, the Miami-Dade County Association of Student Government Presidents, and other governmental education-related community agencies, copies of the agenda will be made

available to them in the most efficient manner at no cost through the Citizen Information Center. The approved distribution shall be coordinated by the Office of Deputy Superintendent of Schools. Requests for other distribution may be made by the Superintendent of Schools or any Board member.

2. A copy of the agenda also will be available at the Citizen Information Center, the Region Offices and selected Adult Education Centers for the public's examination prior to and during Board meetings.
3. The agenda will be available via the Internet and may be accessed via the M-DCPS home page at <http://dcps.dade.k12.fl.us>.

VI. Distribution of Supplemental Materials and Documents to the Agenda

A. To Members of The School Board of Miami-Dade County, Florida

Prior to each meeting of the Board, the Superintendent of Schools will distribute to each Board member and the student advisor supporting materials and documents prepared to accompany the items which are included on the agenda. This document, containing recommendations and reports, will be made available to members of the Board as soon as possible following distribution of the agenda but no less than three (3) days in advance of the meeting unless unforeseen circumstances prevent this from being done. Copies of the supporting materials and documents also will be made available to the administrative assistants to the members of the Board.

B. To Administrative Staff within the School System and Recognized Employee Organizations

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

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

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

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

Specific Authority: 230.22(2); 230.23(~~20~~ 22) F.S.

Law Implemented, Interpreted, or Made Specific: 120.525(2); 230.23005(10) F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Technical Change: 5-1-98

Amended: 7-26-78; 12-13-96; 10-20-99; 5-17-00