

Office of School Board Attorney
JulieAnn Rico Allison, Board Attorney

**SUBJECT: PROPOSED ENACTMENT OF SCHOOL BOARD RULE: INITIAL
READING 6Gx13-8C-1.23, SCHOOL BOARD COMMITTEE
STRUCTURE**

COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENT RELATIONS

At its December 14, 2005 School Board meeting, the School Board passed Agenda Item B-9, presented by the Chair, Agustin J. Barrera. The Item directed the Superintendent to initiate rulemaking to amend School Board Rule 6Gx13-8C-1.23, *School Board Committee Structure*, to provide alternate methods of establishing a quorum during School Board Committee meetings.

In accordance with *Robert's Rules of Order Newly Revised*, and Board Rule 6Gx13-8C-1.23, when a Committee does not have a quorum or cannot maintain a quorum, the Committee may not take any action except to forward the Agenda Items to the Board without recommendation. Such a consequence only serves to diminish the School Board's role in formulating policy and undermines the general purpose of School Board Committees.

Presently, School Board Rule 6Gx13-8C-1.23, provides that: "the presence of two or more members of a Committee shall constitute a quorum for voting purposes." The proposed amendment provides for the Board Chair to designate alternate Committee members and permits—in the absence of a quorum—to count any designated alternate member that is present at the meeting to participate as a member of the Committee, for the purpose of obtaining a quorum.

Attached are the Notice of Intended Action and the proposed amendment to the Board Rule. Changes to 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 School Board Rule 6Gx13-8C-1.23, *School Board Committee Structure*.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Act to amend School Board Rule 6Gx13-8C-1.23, *School Board Committee Structure*.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on January 18, 2006, its intention to amend School Board Rule 6Gx13-8C-1.23, School Board Committee Structure, at its meeting of March 15, 2006.

PURPOSE AND EFFECT: The amendment to the Rule would allow the use of Board members who are present at a Committee meeting and have been designated as alternate members of the Committee to be counted as members of the Committee for the purpose of establishing a quorum.

SUMMARY: To permit the Board Chair to appoint alternate members to the School Board Committees and to allow, in the absence of a quorum, to count any alternate member of the Committee, as a member of the Committee for the purpose of obtaining a quorum.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: §§ 1001.32(2); 1001.41(2)(5) and 1001.43(10) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF March 15, 2006, 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 February 13, 2006, 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 to the public for inspection and copying, at cost, in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Agustín J. Barrera, Chair
Date: January 5, 2005

School Board--Methods of Operation**SCHOOL BOARD COMMITTEE STRUCTURE****I. Objective**

The objective of the School Board Committee structure is to strengthen the Board's role as policy-maker and provide the opportunity for Board members to formulate, review, analyze and deliberate policy recommendations prior to consideration by the full Board.

II. Establishment

The School Board is authorized to designate standing committees in such number as it may deem necessary for the purpose of formulating, reviewing, analyzing and deliberating policy recommendations for particular organizational areas of the school system prior to consideration by the full Board. Subject to change or modification as deemed necessary by the Chair, four committees are established with respect to the organizational areas listed below. In addition, specific strategies outlined in the District Strategic Plan will be explicitly tied to each committee.

- A. Instructional Excellence and Community Engagement - Develops policy and considers matters related to pre-kindergarten through secondary curriculum and instruction, educational planning and assessment, exceptional student education, student services, schools of choice, federal programs, all grants administration, including Title I, adult, vocational and alternative education, community schools and services, increasing the graduation rate and decreasing the dropout rate, education evaluation and research, parental involvement, Parent Academy, community relations, media communications, public relations, information and marketing, and related procurement and rulemaking. The district-wide Teacher of the Year will serve as a non-voting ex-officio member.**
- B. School Support Accountability - Develops policy and considers matters related to supporting the delivery of educational services at the school site including, attendance services and boundaries, school security, police and district safety, student discipline, uniforms, school improvement zone, educational facilities compliance, personnel, wage and salary, human resources, leave and retirement, employee support programs, teacher education certification, professional standards, professional development, equal educational opportunity and diversity compliance, labor relations and related school operations procurement and rulemaking. The district-wide Principal of the Year will serve as a non-voting ex-officio member.**

- C. Innovation, Efficiency and Governmental Relations - Develops policy and considers matters related to district-wide accountability, systemic reform, strategic planning, performance improvement, management and compliance audits, budget, financial investments, risk and benefits management, information technology, - energy management, transportation, food services, legislative and intergovernmental policies and related procurement and rulemaking. A representative of the Coalition of Unions will serve as a non-voting, ex-officio member.
- D. Facilities and Construction Reform - Develops policy and considers matters related to real estate, land acquisition and development, growth management, facilities planning, construction, maintenance, plant operations, and related construction and maintenance procurement and rulemaking. A representative from the community will be appointed by the Chair of the Board and will serve as a non-voting member.

III. Membership .

- A. The Chair and Vice-Chair of the Board will serve as non-voting, ex-officio members of each Committee they do not directly serve on. Each Committee will be composed of four voting School Board members, appointed by the Chair of the Board. The Chair of the Board shall also appoint the Chair, Vice Chair and Ex-Officio members to each Committee. Each Board member other than the Chair of the Board will serve on two Committees.
- B. Committee appointees will serve for one year, and the appointments will be made following the November Organizational meeting.
- C. Any Board member may attend any or all Committee meetings; however, only the four appointed members of a Committee are empowered to vote.

IV. Powers

- A. The Chair of each Committee will call meetings of the Committee and, in collaboration with the appropriate staff liaison, will establish the agenda for each Committee meeting.
- B. The Committee may consider agenda items or matters being presented by staff to the full Board for consideration, unless such matters are not appropriate for such review. The Committee may consider other issues within the given organizational area which the Committee Chair believes should be addressed.
 - 1. Matters which are not appropriate for Committee review include the names of candidates recommended by the Superintendent for

assignment, transfer, or appointment to positions, employee disciplinary matters, matters to be considered in Executive Session, matters involving litigation, settlements, resignations and attorney work product from the Board Attorney, and any other matters which the full Board deems inappropriate for Committee review.

2. Matters relating to personnel reorganizations shall be governed by the provisions of School Board Rule 6Gx13- 4A-1.15, Assignment, Transfer, and Appointment – Administrative Positions.
 3. The annual budget may be considered by the Innovation, Efficiency and Governmental Relations Committee, at the discretion of the Committee Chair, prior to consideration by the full Board. Should the Committee Chair choose to call a Committee meeting to review the annual budget, such meeting will be held in a budget workshop format and all Board members will be invited to attend and participate.
- C. Each Committee is authorized to invite public officials, public employees or private individuals to appear before the Committee for the purpose of obtaining information.
- D. For any matter which will be considered by the full Board, the Committee may make one of the following recommendations:
1. approval
 2. disapproval
 3. approval with modification
 4. forward to full Board with no recommendation

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- E. The presence of two or more members of a Committee shall constitute a quorum for voting purposes. The Board's Chair shall appoint two alternate members to serve on each School Board Committee. In those instances where at least two members of a Committee are not present, any School Board member who has been designated to serve as an alternate member of the Committee may be counted as a member of the Committee for purposes of establishing a quorum. In the event of an anticipated absence, Committee members shall notify the Committee's Chair, so that alternate members are advised that their attendance at the meeting is requested. In the absence of a quorum, all Board agenda items scheduled to be considered by the Committee will be forwarded to the full Board with no recommendation.
- F. In the event that a monthly meeting is not called by the Committee Chair, the Vice Chair or a member of the Committee who wishes to convene a

meeting may request the meeting through the Chair of the Committee, who shall then schedule the meeting in accordance with the notice provisions of the Sunshine Law. No scheduled Committee meeting shall be canceled if any member of the Committee wishes to convene the meeting.

- G. In the event that the Chair of a Committee is unavailable for a scheduled Committee meeting, the Vice Chair will serve as Chair. In the event the Chair and Vice Chair are unavailable, either remaining member by agreement of the membership may serve as Chair of the Committee meeting.
- H. Once considered by Committee, agenda items and matters to be considered by the full Board will be forwarded to the full Board with the Superintendent's recommendation. The full Board will also be advised of the Committee's recommendation in a manner to be determined by the Committee Chair.

V. Staff Liaison and Resource Persons

The Superintendent of Schools shall designate at least one staff liaison to each Committee, who will be responsible for staff support, including the notification of meetings, preparation of agendas, documentation of meetings by tape recording and development of reports and data for use of the Committee, as required. The staff liaison shall prepare minutes of Committee meetings in a uniform format and transmit them to the full Board prior to each regularly scheduled Board meeting. Committee requests for reports, data and information requiring monetary expenditures or excessive use of staff time and resources must be first authorized by the full Board.

VI. Miscellaneous

- A. Scheduling - The Committee meetings addressing the monthly School Board agenda shall occur after the publication of the official agenda and prior to the regularly scheduled monthly School Board meeting. The Chair of each Committee is responsible for scheduling the Committee meeting.
- B. Agenda items from the Superintendent or staff and the Board Attorney shall include the name of the appropriate Committee where the item will be discussed. Board members' agenda items shall include the name of the Committee where the item will be discussed. For convenience, Board members may take an agenda item to a Committee to which they belong.
- C. Sunshine Law - all Committee meetings shall be conducted in accordance with the Sunshine Law. (Chapter 286, Florida Statutes)

- D. Speakers - a place on the Committee agenda shall be reserved for public input and participation.
- E. Rules of Order - Robert's Rules of Order will govern Committee meetings.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.
Law Implemented, Interpreted, or Made Specific: 1001.32(2);
1001.41(2)(5); 1001.43(10) F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 12-10-97

Amended: 3-13-02; 6-19-02; 10-22-03; 3-17-04; 5-18-05