

Office of School Board Attorney
JulieAnn Rico, Board Attorney

**SUBJECT: PROPOSED AMENDMENT TO SCHOOL BOARD RULES:
 INITIAL READING 6Gx13-8C-1.17—CITIZEN APPEARANCES
 – BOARD MEETINGS AND 6Gx13- 8C-1.101, TYPES OF
 MEETINGS—NOTIFICATION REQUIREMENTS AND
 PROCEDURES FOR PUBLICATION**

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY
 ENGAGEMENT**

**LINK TO DISTRICT IMPROVE STAKEHOLDER SATISFACTION
STRATEGIC PLAN:**

At its May 21, 2008 regular meeting, the School Board approved Agenda item H-19 presented by Dr. Marta Perez, Board Member, directing the Superintendent and the School Board Attorney to bring proposals to any and all Board rules that address public access, public records, and Florida's Government-in-the-Sunshine Law, specifically School Board Rules 6Gx13-8C-1.17 (*Citizen Appearances – Board Meetings*), and 6Gx13-8C-1.101 (*Types of Meetings - Notification Requirements and Procedures for Publication*).

After reviewing the relevant Board rules, the following recommended changes are being submitted for the Board's consideration. Provisions of Rule 8C-1.101 regarding workshops are recommended to be revised to allow for School Board Workshops to be held in the School Board Auditorium upon a request of a majority of the Board members whenever it is anticipated that there will be a large public turnout exceeding the capacity of the School Board's traditional workshop meeting room. In addition, Rule 8C-1.17 should be amended to clearly indicate that the 90 minute time limit on the public hearing portion of regular Board meetings may be extended by the vote of a simple majority of the Board. Since Board Rule 6Gx13- 8C-1.18 (*Board Records—Public Access*), is currently being amended through formal rulemaking proceedings, no further changes to this rule are recommended at this time.

Attached are the Notices of Intended Action, the proposed amendment to the rule, and the School Board rule proposed for repeal. 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 School Board Rules 6Gx13-8C-1.17 (*Citizen Appearances – Board Meetings*) and 6Gx13-8C-1.101 (*Types of Meetings - Notification Requirements and Procedures for Publication*).

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 School Board Rules 6Gx13-8C-1.17 (*Citizen Appearances – Board Meetings*) and 6Gx13-8C-1.101 (*Types of Meetings - Notification Requirements and Procedures for Publication*).

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 15, 2008, its intention to amend School Board Rule 6Gx13-8C-1.17, *Citizen Appearances - Board Meetings*.

PURPOSE AND EFFECT: The purpose of amending this rule is to provide for broader public participation.

SUMMARY: To ensure broader public participation at its meetings, this rule is being recommended for amendment by clearly delineating that the public hearing portion of the regular Board meeting may be extended beyond its current ninety-minute time limit by a majority vote of the Board.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1), (2); 1001.42(23); 1001.43(10), F.S.

LAW IMPLEMENTED, INTERPRETED OR MADE SPECIFIC: 1001.43(10), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of September 10, 2008, 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 provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by August 8, 2008, 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: Dr. Marta Perez
Date: June 25, 2008

School Board--Methods of Operation**CITIZEN APPEARANCES--BOARD MEETINGS**

Any citizen may address the Board directly concerning any subject that lies within the jurisdiction of the Board in accordance with the procedures stated below.

Individuals who wish to be heard by the Board on a topic which is not on the agenda for the meeting shall be scheduled for an appearance only at the public hearing during the regularly scheduled Board meeting each month. However, citizens who wish to speak to a topic which is on the agenda may be scheduled to appear at any meeting for which such topic is listed as an item.

Citizens scheduled to speak shall be called by the Board Chair at the appropriate time during the meeting. Each individual shall state for the record his or her name, address, (the address may be given orally or in writing, at the speaker's option), organization or persons represented (if any), and whether he or she is being compensated for the appearance. Substitutions for scheduled speakers will not be allowed, except in unusual circumstances determined and approved by majority vote of Board members present at the meeting.

I. Appearances in Reference to Topics on the Consent Agenda or not on the Board Agenda

Except as noted in Section III., IV., and V. below, citizens will be heard on matters on the consent agenda or not on the Board agenda at the regularly scheduled meeting of the Board each month at the public hearing held immediately following the conclusion of the regular agenda, but no later than approximately 6:30 p.m.

A. Procedures to be Scheduled under "Scheduled Public Hearings"

1. To be scheduled for appearance under "Scheduled Public Hearings," any citizen who wishes to be heard must present a written request to the Superintendent of Schools or designee not later than 4:30 p.m. of the Monday preceding a regular Wednesday Board meeting. Forms to be used in submitting these requests are available at all Region Offices and the Office of Citizen Information at the School Board Administration Building. The request shall contain the following information:

- a. Name, address and telephone number of person who is to appear;
- b. Organization or persons represented (if any), and whether the person to appear is being compensated;

- c. Topic to be presented;
 - d. Board action requested, if any.
2. The Superintendent of Schools or his/her representative shall acknowledge such request by notifying the individual of the date of meeting and place on the agenda.
 3. The Superintendent of Schools shall provide for the information of each Board member a list of the persons scheduled to speak and, when necessary for full understanding of a given subject, a report from the administration regarding the subject to be presented.
 4. Any one speaker or spokesperson for a group shall be permitted to speak no more than three (3) minutes at the Scheduled Public Hearings no matter how many issues that individual addresses, nor more than a total of ten (10) minutes during the Board meeting, (including time on agenda items and, later, on consent or non-agenda items), except in unusual circumstances determined and approved by unanimous vote of Board members present at the meeting. The total time allotted for the public hearing shall not exceed one and one-half hours. The time limit on the public hearing portion of the regular Board meeting may be extended by a majority vote of the Board.

Any person who feels that the subject matter has not been adequately covered in the time allotted may present additional information in writing.

The following requirements apply to all public speakers:

- a. Citizen's remarks should be directed to the Board as a whole and not to individual Board members.
- b. Those individuals who sign up to speak must limit their remarks to matters that are related to the business of the District. Speakers commenting on agenda items shall confine their comments solely to the agenda item being discussed.
- c. The Chair of the School Board may exercise discretion to notify any speakers that they have gone beyond the subject matter for which they had signed up to address or that they are addressing matters that are not related to the business of the School District or which constitute personal attacks on individuals. The Chair shall have the authority to prohibit speakers from making personal attacks or from addressing the Board on matters not related to the District, after warning

that they must adhere to topics that relate to the business of the Board. The Chair has the discretion to turn off the microphone or to recess the meeting if a speaker persists in addressing irrelevant topics or engaging in personal attacks.

B. Procedures when not Scheduled under "Scheduled Public Hearings"

1. A person in this category seeking consent to speak must submit, either before or during the meeting, a written request to the Board Chair.
2. The request must state the person's name, address, subject and reason for asking emergency handling of the request, reason demonstrating good cause why the 4:30 p.m. Monday deadline was not met, and Board action requested.
3. Board members present at the meeting must vote by a majority for the person to be heard.
4. If such request is approved, the Board Chair shall allot the individual a maximum of three (3) minutes time.

II. Appearances in Reference to Items on Board Agenda

A. Procedures to be Scheduled under "Requests to Speak to Agenda Items"

1. Except as noted in Sections III., IV., and V. below, any person who wishes to address the Board in reference to an item or items on the agenda (other than consent items) may be scheduled under "Requests to Speak to Agenda Items" by presenting a written request in accordance with the procedure outlined in Section I. above. In the case of a special Board meeting, the deadline shall be noon on the last business day preceding the date of the meeting.
2. The total time allotted for all individuals who request to be heard on the same agenda item shall be determined by majority vote of the Board members present at the meeting. Any one speaker or spokesperson for a group shall be permitted to speak no more than two (2) minutes on any one agenda item, nor more than a total of ten (10) minutes during the Board meeting, including speaking time during a public hearing, regardless of the number of agenda items to be addressed, except in unusual

circumstances determined and approved by unanimous vote of Board members present at the meeting. Additional comments may be presented in writing.

B. Procedures when not Scheduled under "Requests to Speak to Agenda Items"

Persons not scheduled in advance to speak to agenda items may request approval of the Board to be heard, as follows:

1. Before or during the meeting, the person must write his/her name, address and number of agenda item in which interested on a slip of paper and hand to the Board Chair before the item is considered by the Board.
2. Receive approval to be heard by a majority vote of Board members present at the meeting and voting.
3. The Chair may designate a particular time prior to Board action on the agenda item for such persons to be heard.
4. If Board approval is granted for the person to be heard, the Chair shall allow a maximum of two (2) minutes. Additional comments may be presented in writing.

III. Public Hearings on Specific Topics

The Board from time to time schedules a meeting which is designed solely as a public hearing on a specific document or proposal which is to be the subject of later Board action, either to comply with State Statutes or to hear citizens on an issue of great public interest. Persons desiring to address the Board at such public hearings shall follow and be governed by the procedures set forth in Section II. above, as for a special Board meeting.

IV. Conference Sessions/Workshops of the Board

Meetings of the Board which are designated as conference sessions or workshops are normally held for the purpose of enabling the Board to receive information and confer with the Superintendent of Schools and his/her staff on issues requiring in-depth consideration and discussion. Citizens may be heard at any conference session or workshop for a specified amount of time that the Board determines in advance of the session or at the beginning of the session.

V. Suspension, Dismissal or other Discipline of Personnel and/or Expulsion or Assignment of Students

Board actions at every stage of proceedings for the suspension, dismissal or other discipline of staff members, and for the expulsion or assignment of specific students, are quasi-judicial in nature, and the Board's decisions in these cases should be free of improper and extraneous comment. Citizens will not be heard in such cases, except in unusual circumstances determined and approved by majority vote of Board members present at the meeting. All aspects of student expulsion proceedings shall be closed to the public pursuant to Fla. Stat. § 1006.07(1)(a), unless the parents elect to have the hearing held in compliance with the Sunshine Law.

VI. Students Who Request a Hearing before the Board

Any student in the Miami-Dade County Public Schools who wishes a hearing before the Board must comply with the following guidelines:

- A. Follow all procedures as indicated above.
- B. If the time of the student's hearing before the Board is scheduled during his/her school hours, the student must secure the permission of the principal to be absent from classes.

Specific Authority: 1001.41(1)(2); 1001.42(23); 1001.43(10) F.S.
Law Implemented, Interpreted, or Made Specific: 1001.43(10) F.S.

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
Repromulgated: 12-11-74
Amended: 10-22-75; 4-15-76; 8-23-78; 10-18-78; 6-6-79; 9-23-81; 5-18-83; 2-19-86;
6-10-87; 1-20-88; 6-4-92; 8-18-93; 3-17-99; 6-20-01; 10-24-01; 3-17-04; 3-16-05; 4-18-06; 4-16-08

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 15, 2008, its intention to amend School Board Rule 6Gx13-8C-1.101, *Types Of Meetings—Notification Requirements and Procedures for Publication* at its meeting of September 10, 2008.

PURPOSE AND EFFECT: The purpose of amending this rule is to provide for broader public participation.

SUMMARY: To ensure broader public participation at its meetings, this rule is being recommended for amendment by specifying that School Board workshops where larger than normal public attendance is expected may be held in the School Board auditorium.

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: Chapter 120; 120.525(3); 286.011; 1001.372(1), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of September 10, 2008, 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 provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by August 8, 2008, 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: Dr. Marta Perez
Date: June 25, 2008

School Board - Methods of Operation**TYPES OF MEETINGS--NOTIFICATION REQUIREMENTS AND PROCEDURES FOR PUBLICATION****I. Purpose**

The purpose of this rule is to set forth the types of meetings conducted by the School Board and the respective notification requirements and publication procedures as mandated by Florida Statutes and the District.

II. Notice Requirements

The School Board of Miami-Dade County, Florida, shall give notice of the date, time, place, and general subject matter of its public meetings, including hearings, workshops, and conference sessions in the manner provided by the Florida Administrative Procedure Act, Chapter 120, Florida Statute.

III. Types, Purposes and Publication Requirements**A. Regular Meeting****1. Purpose**

The School Board shall hold not less than one regular meeting each month for the transaction of business according to a schedule arranged by the School Board at its November organization meeting.

2. Date, Time, and Location

All regular meetings will be held at 1:00 p.m. in the School Board Administration Building Auditorium, 1450 Northeast Second Avenue, Miami, Florida.

Upon the giving of due public notice, regular meetings of the School Board may be held at any appropriate public place in the county. For purpose of this section, due public notice shall consist of publication in a newspaper of general circulation in the county.

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

3. Publication Requirement

The School Board shall give notice of regular meetings by publication in a newspaper of general circulation not less than seven (7) days before the event. An agenda shall be prepared by the agency in time to ensure that a copy of the agenda may be received at least seven (7) days before the event by any person who requests a copy, as provided for in School Board Rule 6Gx13-8C-1.15.

- a. The originating office shall provide the schedule of regular meetings upon approval by the School Board at its November organization meeting to the Clerk of the School Board for publication purposes.
- b. The originating office shall post notice of the regular meetings upon approval by the School Board at its November organization meeting in the District's Citizen Information Center, pursuant to Chapter 120, et seq. and §286.011, F.S., as provided for in School Board Rule 6Gx13-8C-1.031.

B. Special Meeting

1. Purpose

On occasion, as provided in §1001.372(1) F.S., special meetings may be called for official action on topics specified in the call and agenda for the meeting by the Superintendent of Schools, the Chair of the School Board through the Superintendent, or by request of a majority of the members of the School Board. Such request shall be communicated in writing by the individual Board members to the Board Attorney. Upon receiving requests by a majority of the Board, the Board Attorney shall notify the Superintendent of the need to call a special meeting.

2. Date, Time, and Location

All special meetings will be held in the School Board Administration Building Auditorium, 1450 Northeast Second Avenue, Miami, Florida. The date and time shall be specified in the call and agenda for the meeting.

Upon the giving of due public notice, special meetings of the School Board may be held at any appropriate public place in the county.

For purpose of this section, due public notice shall consist of publication in a newspaper of general circulation in the county.

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

3. Publication Requirement

The School Board shall give 48 hours, i.e., two (2) days, written notice of the time and purpose of the special meeting. An agenda for the special meeting shall be prepared upon the calling of the meeting, but not less than 48 hours prior to the meeting.

- a. The originating office shall provide the special meeting's purpose, date, time, and place to the Clerk of the School Board for publication purposes not less than five (5) days prior to the special meeting, where feasible.
- b. The originating office shall post notice of the special meeting in the District's Citizen Information Center, immediately upon the calling of the meeting, but not less than 48 hours prior to the meeting.

C. Organization Meeting

1. Purpose

At its organization meeting, the School Board shall organize by electing a Chair. It may elect a Vice Chair, and the Superintendent shall act ex officio as the Secretary. A schedule of regular meetings of the School Board for the next calendar year is approved at this organization meeting.

2. Date, Time, and Location

The organization meeting shall be conducted on the third Tuesday after the first Monday in November of each year. The meeting will be held in the School Board Administration Building Auditorium, 1450 Northeast Second Avenue, Miami, Florida, unless otherwise noticed as set forth in III. A .2.

3. Publication Requirement

The School Board shall give notice of its organization meeting by publication in a newspaper of general circulation not less than seven (7) days before the event. An agenda shall be prepared by

the agency in time to ensure that a copy of the agenda may be received at least seven (7) days before the event by any person who requests a copy, as provided for in School Board Rule 6Gx13-8C-1.15.

- a. The originating office shall provide the date of the organization meeting upon approval by the School Board at its November organization meeting to the Clerk of the School Board for publication purposes.
- b. The originating office shall post notice of the organization meeting upon approval by the School Board at its November organization meeting in the District's Citizen Information Center, pursuant to Chapter 120, et seq. and §286.011, F.S., as provided for in School Board Rule 6Gx13- 8C-1.031.

D. Emergency Public Meeting

1. Purpose

If the School Board finds that an immediate danger to the public health, safety, or welfare requires immediate action, the agency may hold an emergency public meeting in accordance with §120.525(3) F.S.

2. Publication Requirement

The School Board will give notice of such meeting by any procedure that is fair under the circumstances and necessary to protect the public interest.

E. Public Hearings

1. Purpose

The School Board may conduct a public hearing designed solely as a public hearing on a specific topic, document, or proposal which is to be the subject of School Board action, to be taken at the public hearing or at an upcoming regular School Board meeting, either to comply with State Statutes or to hear citizens on an issue of great public interest.

2. Date, Time, and Location

Public hearings will be conducted in the School Board Administration Building Auditorium, 1450 Northeast Second

Avenue, Miami, Florida, unless otherwise noticed as set forth in III. A. 2. The date and time shall be specified in the call and agenda for the meeting.

3. Publication Requirement

The School Board shall give notice of its public hearings by publication in a newspaper of general circulation not less than seven (7) days before the event. An agenda shall be prepared by the agency in time to ensure that a copy of the agenda may be received at least seven (7) days before the event by any person who requests a copy.

a. The originating office shall provide the date of the public hearing upon approval by the School Board to the Clerk of the School Board for publication purposes.

b. The originating office shall post notice of the public hearing upon approval of the School Board in the District's Citizen Information Center, pursuant to Chapter 120, et seq. and §286.011, F.S., as provided for in School Board Rule 6Gx13-8C-1.031.

F. Conference Session

1. Purpose

The School Board may conduct a conference session for the purpose of receiving information and conferring with the Superintendent of Schools on issues requiring in-depth consideration and discussion with a possible proposed recommended action to be taken by the School Board at an upcoming regular meeting. Citizens will not be heard at conference sessions unless the Board so determines in advance of the session, as provided for in School Board Rule 6Gx13-8C-1.17.

2. Date, Time, and Location

All conference sessions will be held in the School Board Administration Building Auditorium, 1450 Northeast Second Avenue, Miami, Florida, unless otherwise noticed as set forth in III. A. 2. The date and time shall be specified in the call and agenda for the meeting.

3. Publication Requirement

The School Board shall give notice of conference sessions by publication in a newspaper of general circulation not less than seven (7) days before the event. An agenda shall be prepared by the agency in time to ensure that a copy of the agenda may be received at least seven (7) days before the event by any person who requests a copy.

- a. The originating office shall provide the date of the conference session upon approval by the School Board to the Clerk of the School Board for publication purposes.
- b. The originating office shall post notice of the conference session upon approval by the School Board in the District's Citizen Information Center, pursuant to Chapter 120, et seq. and §286.011, F.S., as provided for in School Board Rule 6Gx13- 8C-1.031.

G. Workshop

1. Purpose

The School Board may conduct a workshop for the purpose of receiving information and conferring with the Superintendent of Schools on issues requiring in-depth consideration and discussion, with a possible proposed recommended action to be taken by the School Board at an upcoming regular meeting.

2. Date, Time, and Location

Workshops will be conducted in Conference Room 726B of the School Board Administration Building, 1450 Northeast Second Avenue, Miami, Florida, unless otherwise noticed as set forth in III A. 2. If a larger than normal attendance by the public is anticipated for any specific School Board workshop, the workshop may be held at the School Board auditorium. The date and time shall be specified in the call and agenda for the meeting.

3. Publication Requirement

The School Board shall give notice of workshops by publication in a newspaper of general circulation not less than seven (7) days before the event. An agenda shall be prepared by the agency in time to ensure that a copy of the agenda may be received at least

seven (7) days before the event by any person who requests a copy.

- a. The originating office shall provide the date of the workshop upon approval by the School Board to the Clerk of the School Board for publication purposes.
- b. The originating office shall post notice of the workshop upon approval by the School Board in the District's Citizen Information Center, pursuant to Chapter 120, et seq. and §286.011, F.S., as provided for in School Board Rule 6Gx13-8C-1.031.

IV. Miscellaneous

Cancellation or Revision to a Meeting Posted in the Newspaper

Cancellations or non-substantive revisions to a notice or announcement previously posted in a newspaper of general circulation must be received by the Clerk of the School Board not later than five (5) days before the event, where feasible.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10), F.S.

Law Implemented, Interpreted, or Made Specific: Chapter 120; 120.525(3); 286.011; 1001.372(1), F.S.

History

New: 8-17-05

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA