

Office of School Board Attorney
JulieAnn Rico, Board Attorney

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE:
 INITIAL READING, 6GX13-8C-1.15, AGENDA – REGULAR
 AND SPECIAL MEETINGS**

**COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL
 RELATIONS**

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

At its June 18, 2008 regular meeting, the School Board approved Agenda Item H-6 (“Guidelines for the Timely Distribution of Information to School Board Members Prior to School Board Action”) presented by Ms. Perla Tabares Hantman, Vice Chair. Item H-6 requested that the Board Attorney review School Board rules, particularly Rules 6Gx13-8C-1.15, Agenda – Regular and Special Meetings; 6Gx13-4A-1.15 (Assignment, Transfer, and Appointment - Administrative Positions), and 6Gx13-8C-1.23 (School Board Committee Structure), and provide recommended changes requiring that the Board be provided with finalized agenda items and all relevant agenda related material and backup documentation prior to the scheduled dates and times of the School Board committee meetings.

The purpose of the requirement that finalized items be presented prior to the School Board committee meetings is to ensure that the Board has sufficient time to properly review and examine all matters associated with each item appearing on the Agenda for each forthcoming meeting, thereby fostering a more informed decision-making process. At the June 18, 2008 Board meeting, the proposed changes to this process were amended to exclude items dealing with personnel appointments and assignments. In light of the foregoing, and upon review of the aforementioned rules, it was determined that only Rule 8C-1.15 regarding the preparation of the Agenda required amendment. 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 School Board Rule 6Gx13-8C-1.15, Agenda – Regular and Special Meetings.

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 Rule 6Gx13-8C-1.15, Agenda – Regular and Special Meetings.

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-1.15, *Agenda—Regular and Special Meetings*, at its meeting of September 10, 2008.

PURPOSE AND EFFECT: The purpose of amending this rule is to provide sufficient time for Board members to be able to fully review and analyze agenda related documentation by requiring that all items to be published in the agenda, must be submitted to Board members in their final form, along with all relevant agenda related materials, on the day before School Board Committees are to be held. This requirement will not apply to items: dealing with personnel appointments and assignments; to any items that are not appropriate for review by School Board Committees, to items heard at Special Board meetings.

SUMMARY: To require that all items to be published in the agenda, must be submitted to Board members in their final form, along with all relevant agenda related materials, on the day before School Board Committees are to be held.

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: 120.525(2); 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 wish to provide information regarding the statement of estimated regulatory costs, or 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: Perla Tabares Hantman, Vice Chair
Date: July 15, 2008

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.
 - 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. Proposed Board member items are to be submitted for each subsequent meeting, no earlier than the next regular business day after the conclusion of the prior regular Board meeting. In

order to ensure that items proposed by Board members are numbered in the order in which they are received by the School Board Office Manager or anyone designated by the Superintendent for this purpose, all proposed items by Board members will be date-stamped and numbered in the sequence in which they are received. In order to provide adequate public notice, all proposed items submitted must contain, at a minimum, a subject heading specifying the topic that is being proposed for discussion.

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. The final versions of all items, along with all relevant agenda related material and back-up documentation must be presented to Board members on the day before the School Board Committee meetings that are held in accordance with Board Rule 6Gx13-8C-1.23, School Board Committee Structure. This requirement shall not be applicable to items dealing with personnel appointments and assignments, to matters that are not appropriate for review by School Board Committees as specified in Rule 8C-1.23, and to items which are presented at Special or Emergency meetings 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. 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://www2.dadeschools.net>.

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: 1001.41 (2); 1001.42(23); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: 120.525(2); 1001.43(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; 11-20-07