

Ms. Perla Tabares Hantman, Board Member

**SUBJECT: INITIATE RULEMAKING TO CODIFY THE PROCEDURES, PROVISIONS, ROLES AND AUTHORITY OF THE SCHOOL BOARD'S EXECUTIVE SESSION, ATTORNEY/CLIENT SESSION AND RISK MANAGEMENT SESSION**

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

**LINK TO DISTRICT**

**STRATEGIC PLAN: REFORM BUSINESS PRACTICES TO ENSURE EFFICIENCY, EFFECTIVENESS AND HIGH ETHICAL STANDARDS**

At the January 17, 2007 School Board meeting, I proffered agenda item B-16 directing the Superintendent to provide a report on the procedures for accessing public records and documents by various entities, members of the public and School Board Members. The time of the agenda item coincided with Florida Governor Charlie Crist's recently created Office of Open Government. This presented a unique opportunity for the School Board to familiarize itself and ultimately codify the procedures for the media, the public, other public and private entities and Board members to access public records from Miami-Dade County Public Schools.

In the same spirit, this agenda item proposes to direct the School Board Attorney to initiate rulemaking to clarify the procedures, provisions, and authority for each of the closed sessions that the School Board holds that are exempt from the requirements of the Sunshine Law. The three closed sessions are Executive Session for collective bargaining issues, Attorney/Client Session for active litigation matters and Risk Management Session dealing with tort claims. The resulting new School Board Rule would address each of these closed sessions of the School Board and would codify such points as the legal authority for calling each and under what circumstances, how these sessions are required to be called, who calls them, the responsibility for confidentiality of each of these sessions, when it begins, when it ends, the requirements for a Court Reporter to be present or minutes of the sessions to be kept, when these formal recordings of the sessions may become public documents and whether agenda items for settlements of lawsuits or claims should be brought to the School Board at an open meeting as a result of any of these sessions.

**ACTION PROPOSED BY SCHOOL BOARD MEMBER**

**MS. PERLA TABARES HANTMAN:**

That The School Board of Miami-Dade County, Florida, direct the School Board Attorney to initiate rulemaking at the April 22, 2009, School Board meeting to codify the policy and procedures for Executive Session, Attorney/Client Session and Risk Management Session to include for each those topics as described in the agenda item, including what is required by law, any applicable penalties, and the roles of the Superintendent and the School Board Members in each of the sessions.

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