

Ms. Perla Tabares Hantman, Board Member

SUBJECT: THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, DIRECT THE SCHOOL BOARD ATTORNEY TO UPDATE THE SCHOOL BOARD ON THE STATUS OF THE BOARD RULES REVISION PROJECT

COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENTAL RELATIONS

LINK TO DISTRICT STRATEGIC GOAL: REFORM BUSINESS PRACTICES TO ENSURE EFFICIENCY, EFFECTIVENESS AND HIGH ETHICAL STANDARDS

The Legislature conducted a major overhaul of the Florida Education Code that went into effect approximately 6 years ago, changing the Florida Statutory citations from Chapter 230 to Chapter 1000. Since that time, several attempts were initiated to revise the Board Rules to comport to the new Education Code citation numbers; however, a cursory review of School Board Rules shows that the revision to School Board Rules has remained incomplete.

Equally important, Florida State Statute 120.74 Agency Review, Revision, and Report, requires that School Boards ensure that Board Rules are correct and comply with the statutory requirements outlined in Section 120.74. To accomplish this, each School Board is mandated through Florida law to perform a formal review of its rules every 2 years beginning October 1, 1997, and by October 1 of every other year thereafter, and is required to file a report specifying any changes made to its rules as a result of the review. In the review, each School Board must, among other requirements:

- (a) Identify and correct deficiencies in its rules;
- (b) Clarify and simplify its rules;
- (c) Delete obsolete or unnecessary rules;
- (d) Delete rules that are redundant of statutes.

Again, a cursory review of School Board Rules show that these requirements have not been met. Nonetheless, the School Board Attorney has provided notice pursuant to the Statutory requirements that it is working on a complete revision of its rules but it is constrained by budgetary considerations. While that may be accurate, the District must comply with State law. As policymakers, it is the responsibility of the Board to ensure its Board Rules are in compliance with State law and make proper reference to the Florida Education Code Statutory citation numbers.

School Board Rules are amended at times as a result of School Board Members' or others' initiatives. Reports issued by the Inspector General have repeatedly highlighted the importance to ensure that School Board Rules are clear and detailed. Notwithstanding the District's current challenges, the Rules Revision Project must continue to be a top priority in order to clarify School Board Rules, to comport to the current Florida Education Code Statutory citation changes, as well as to comply with State law as set forth in Section 120.74 of the Administrative Procedures Act.

This item proposes that the School Board Attorney submit a detailed report by the April 22, 2009 School Board meeting on the status of these issues to include the following:

- (1) a comprehensive chronology of all efforts made by the School Board Attorney's Office and the administration to revise the Statutory citations to reference the Florida Education Code which changed Chapter 230 to Chapter 1000, as well as those efforts to meet the requirements of section 120.74;
- (2) a comprehensive and detailed financial cost analysis of all costs and expenditures associated with both of the above attempts, inclusive of outside consultant costs;
- (3) a timeline setting forth the Board Attorney's intent to complete these revisions of School Board Rules and Statutory citations for compliance; and
- (4) a cost analysis associated with completing this Board Rules Revision Project.

**ACTION PROPOSED BY SCHOOL BOARD MEMBER
PERLA TABARES HANTMAN:**

That The School Board of Miami-Dade County, Florida, direct the School Board Attorney to submit at the April 22, 2009 meeting a detailed and comprehensive report, as described in this Agenda item, numbers 1 through 4 above, on the status of the Board Rules Revision Project.