

Office of School Board Attorney  
Luis M. Garcia, Interim School Board Attorney

**SUBJECT:** **PROPOSED AMENDMENT OF SCHOOL BOARD RULE:  
INITIAL READING, 6Gx13- 8B-1.04, *OFFICERS***

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

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

At its November 18, 2008 regular meeting, the School Board approved Agenda Item H-6 ("Positions of School Board Chair and Vice Chair") presented by Dr. Marta Pérez. This item is presented to amend Board Rule 6Gx13- 8B-1.04, *Officers*, to specify a rotation process for the selection of the Vice Chair at future organization meetings of the Board. Pursuant to Agenda Item H-6, the Board approved establishing a rotation system for selecting the Vice Chair, commencing with the School Board's November 17, 2009 Organization Meeting.

This Rule was originally submitted for initial reading at the December 10, 2008 School Board meeting. However, the item was withdrawn prior to final reading that had been set for the January 14, 2009 Board meeting in order to make some technical corrections to the Notice of Intended Action, and revise portions of the Rule in accordance with issues that were raised at the Innovation, Efficiency and Governmental Relations School Board Committee meeting held on January 8, 2009.

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- 8B-1.04, *Officers*.

**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- 8B-1.04, *Officers*.

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 22, 2009, its intention to amend School Board Rule 6Gx13- 8B-1.04, *Officers* for Publication at its meeting of June 17, 2009.

**PURPOSE AND EFFECT:** The purpose of amending this rule is to provide for the appointment of the Vice-Chair of the School Board through a rotation method that allows all Board members that have not previously served as Vice-Chair to serve in this capacity.

**SUMMARY:** This rule is being recommended for amendment by establishing a rotation system, beginning with the November 17, 2009 organization meeting, for the appointment of the School Board's Vice-Chair.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** 1001.41(1), (2); 1001.42(25); 1001.43(10), F.S.

**LAW IMPLEMENTED, INTERPRETED OR MADE SPECIFIC:** 1001.371; 1001.48, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of June 17, 2009, 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 May 18, 2009, 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 at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Dr. Marta Pérez  
Date: April 13, 2009

School Board--Members of the BoardOFFICERS

The officers of the Dade County School Board shall be:

1. Chair, to be elected by the Board;
2. Vice-Chair, to be elected by the Board; to be appointed by the Board in accordance with the following rotation system commencing with the Board's organization meeting of 2009:
  - a. Members who have not served as Chair or Vice-Chair will be selected to serve as Vice-Chair in order of seniority on the Board;
  - b. This rotation process will continue until all Board Members who have not served in either position have had an opportunity to serve as Vice-Chair;
  - c. Once all Board members have served in the capacity of Vice-Chair the position will be rotated amongst those Board members who have already served in either the position of Chair or Vice-Chair;
  - d. In determining seniority for purposes of selecting the Vice-Chair, if two or more members have served for the same amount of time, then the member from the voting district with the lowest designated number (in ascending order, for example, District 1, then District 2, and so on) would be appointed to the position of Vice-Chair;
  - e. Within a practical time before the Board's organization meeting held in November, the Superintendent's office through its designee will provide the Board the requisite information indicating which Board member qualifies for the position of Vice-Chair under the foregoing system. During the organization, meeting said qualifying Board member will be appointed to the position of Vice-Chair by unanimous consent.
  - f. Members appointed to the position of Vice-Chair will serve for one year. Any member entitled to the position of Vice-Chair under this rotation system may voluntarily refuse or relinquish said appointment. In such an event, the Board will employ the same rotation system to appoint a replacement for the position of Vice-Chair.
3. Secretary and executive officer, who shall be the Superintendent of Schools.

Provision for the above officers, their election and their replacement, is provided in the law as indicated in the legal reference below.

Specific Authority: ~~230.22(2)~~ 1001.41(1), (2); 1001.42(25); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: ~~230.15~~ 1001.371; 1001.48 ~~230.34~~ F.S.

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Technical Changes: 10-23-96