

Office of School Board Attorney
Walter J. Harvey, Board Attorney

**SUBJECT: PROPOSED AMENDMENT OF BOARD POLICY: FINAL
READING: POLICY 0155, SCHOOL BOARD COMMITTEES**

COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL RELATIONS

**LINK TO
STRATEGIC
FRAMEWORK: SCHOOL/DISTRICT LEADERSHIP**

At the School Board meeting of December 14, 2011, the School Board approved Agenda Item H-2 ("Request that The School Board Direct the Superintendent to Initiate Rulemaking for Initial Reading to Amend School Board Policy 0155, *School Board Committees*, to Allow the School Board Chair and Vice-Chair, in Their Capacity as Ex-Officio Board Members to Vote at School Board Committee Meetings") presented by Ms. Perla Tabares Hantman, Chair. Presently School Board Policy 0155 does not provide for the School Board Chair and the Vice-Chair, in their capacity as ex-officio Committee members to vote at School Board Committee meetings, which is inconsistent with the established practice of other legislative bodies and with *Roberts Rules of Order Newly Revised*. The proposed amendment would permit the School Board Chair and Vice-Chair, in their capacity as ex-officio members to vote at all School Board Committee meetings.

The Notice of Intended Action was published in the *Miami Daily Business Review* on December 19, 2011, posted in various places for public information and mailed to organizations representing persons affected by these amendments and to individuals requesting notification. The time to request a hearing or to protest the amendment of their policy has elapsed.

Accordingly, pursuant to the Administrative Procedure Act, the amendment to Policy 0155 is presented to The School Board of Miami-Dade County, Florida for adoption and authorization to file the amended policy in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the proposed policy amendment. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt amended Board Policy 0155, *School Board Committees*, and authorize the Superintendent to file the policy with The School Board of Miami-Dade County, Florida to be effective January 18, 2012.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on December 14, 2011, its intention to amend School Board Policy 0155, *School Board Committees*, at its meeting of January 18, 2011.

PURPOSE AND EFFECT: The purpose of this action is to allow the School Board Chair or Vice Chair, in their capacity as ex-officio Committee members, to vote at Committee meetings.

SUMMARY: The proposed amendments will permit the School Board Chair and Vice-Chair to fully participate as ex-officio voting members of each School Board Committee.

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: 1001.32(2), 1001.41(1), (2), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of January 18, 2011, 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 a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by January 11, 2011, to the Superintendent, 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 POLICIES 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: Ms. Perla Tabares Hantman, Chair
Date: December 9, 2011

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ORGANIZATION

2 0155

School Board Committees

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The objective of the School Board committees is to provide the opportunity for Board members to formulate, review, analyze, and deliberate policy recommendations prior to consideration by the full Board.

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The Board is authorized to designate standing committees as necessary for formulating, reviewing, analyzing, and deliberating policy recommendations for particular organizational areas of the school system prior to consideration by the full Board. Subject to change or modification as deemed necessary by the Chair, four (4) committees are established with respect to the organizational areas listed below. In addition, specific strategies outlined in the District Strategic Plan will be explicitly tied to each committee.

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A. Instructional Excellence and Community Engagement

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Develops policy and considers matters related to pre-kindergarten through secondary curriculum and instruction, educational planning and assessment, exceptional student education, student services, schools of choice, Federal programs, all grants administration, including Title I, adult, vocational and alternative education, community schools and services, increasing the graduation rate and decreasing the dropout rate, education evaluation and research, parental involvement, Parent Academy, community relations, media communications, public relations, information and marketing, and related procurement and rulemaking. The District-wide Teacher of the Year may serve as a non-voting ex-officio member.

- 1 B. School Support Accountability
- 2 Develops policy and considers matters related to supporting
- 3 the delivery of educational services at the school site
- 4 including, attendance services and boundaries, school
- 5 security, police and District safety, student discipline,
- 6 uniforms, school improvement zone, educational facilities
- 7 compliance, personnel, wage and salary, human resources,
- 8 leave and retirement, employee support programs, teacher
- 9 education certification, professional standards, professional
- 10 development, equal educational opportunity and diversity
- 11 compliance, labor relations and related school operations
- 12 procurement and rulemaking. The District-wide Principal of
- 13 the Year may serve as a non-voting ex-officio member.
- 14 C. Innovation, Efficiency and Governmental Relations
- 15 Develops policy and considers matters related to District-wide
- 16 accountability, systemic reform, strategic planning,
- 17 performance improvement, management and compliance
- 18 audits, budget, financial investments, risk and benefits
- 19 management, information technology, energy management,
- 20 transportation, food services, legislative and
- 21 intergovernmental policies and related procurement and
- 22 rulemaking. A representative of the Coalition of Unions may
- 23 serve as a nonvoting, ex-officio member.
- 24 D. Facilities and Construction Reform
- 25 Develops policy and considers matters related to real estate,
- 26 land acquisition and development, growth management,
- 27 facilities planning, construction, maintenance, plant
- 28 operations, and related construction and maintenance
- 29 procurement and rulemaking. A representative from the
- 30 community may be appointed by the Chair of the Board to
- 31 serve as a non-voting ex-officio member.

1 **Membership**

2 A. The Chair and Vice-Chair of the Board will serve as
3 non-voting, ex-officio members of each committee they do not
4 directly serve on. —Each committee will be composed of
5 four (4) voting Board members, appointed by the Chair of the
6 Board. The Chair of the Board shall also appoint the chair,
7 vice-chair and ex-officio members to each committee. Each
8 Board member other than the Chair of the Board will serve on
9 two (2) committees.

10 B. Committee appointees will serve for one (1) year, and the
11 appointments will be made following the November
12 organizational meeting.

13 C. Any Board member may attend any and all committee
14 meetings but only the Chair, Vice-Chair and the four (4)
15 appointed committee members of a committee may vote.

16 **Powers**

17 A. The chair of each committee will call meetings of the
18 committee and, in collaboration with the appropriate staff
19 liaison, will establish the agenda for each committee meeting.

20 B. The committee may consider agenda items or matters being
21 presented by staff to the full Board for consideration, unless
22 they are not appropriate for review. The committee may
23 consider other issues within the organizational area which
24 the committee chair believes should be addressed.

25 1. Matters not appropriate for committee review include
26 the names of candidates recommended by the
27 Superintendent for assignment, transfer, or
28 appointment to positions, employee disciplinary
29 matters, matters to be considered in executive session,
30 matters involving litigation, settlements, resignations,
31 and attorney work product from the Board Attorney,
32 and any other matters which the full Board deems
33 inappropriate for committee review.

34 2. Matters relating to personnel reorganizations shall be
35 governed by Policy 1120 and Policy 1130.

- 1 3. The annual budget may be considered by the
2 Innovation, Efficiency and Governmental Relations
3 Committee, at the discretion of the committee chair,
4 prior to consideration by the full Board. If the
5 committee chair calls a committee meeting to review
6 the annual budget, the meeting will be held in a budget
7 workshop format and all Board members will be invited
8 to attend and participate.
- 9 C. Each committee is authorized to invite public officials, public
10 employees, or private individuals to appear before the
11 committee for the purpose of obtaining information.
- 12 D. For any matter which will be considered by the full Board, the
13 committee may forward it to the full Board as:
- 14 1. recommended;
- 15 2. not recommended;
- 16 3. recommended with modification; or
- 17 4. no recommendation.
- 18 E. The presence of two (2) or more members of a committee shall
19 constitute a quorum for voting purposes. The Chair and
20 Vice-Chair, if present, may be counted in determining if a
21 quorum is present at any Committee meeting. The Board
22 Chair shall appoint two (2) alternate members to serve on
23 each Board committee. In those instances where at least two
24 (2) members of a committee are not present, any Board
25 member who has been designated to serve as an alternate
26 member of the committee may be counted as a member of the
27 committee for purposes of establishing a quorum. In the
28 event of an anticipated absence, committee members shall
29 notify the committee chair, so that alternate members are
30 advised that their attendance at the meeting is requested. In
31 the absence of a quorum, all Board agenda items scheduled
32 to be considered by the committee will be forwarded to the
33 full Board with no recommendation.

1 F. In the event that a monthly meeting is not called by the
2 committee chair, the vice-chair or a member of the committee
3 who wishes to convene a meeting may request the meeting
4 through the chair of the committee, who shall then schedule
5 the meeting according to the Sunshine Law. No scheduled
6 committee meeting shall be canceled if any member of the
7 committee wishes to convene the meeting.

8 G. In the event that the chair of a committee is unavailable for a
9 scheduled committee meeting, the vice-chair will serve as
10 chair. In the event the chair and vice-chair are unavailable,
11 either remaining member by agreement of the membership
12 may serve as chair of the committee meeting.

13 H. Once considered by committee, agenda items and matters to
14 be considered by the full Board will be forwarded to the full
15 Board. The full Board will be advised of the committee's
16 recommendation in a manner to be determined by the
17 committee chair.

18 **Staff Liaison and Resource Persons**

19 The Superintendent shall designate at least one (1) staff liaison to
20 each committee who will be responsible for notification of meetings,
21 preparation of agendas, documentation of meetings by tape
22 recording and development of reports and data for use of the
23 committee. The staff liaison shall prepare minutes of committee
24 meetings in a uniform format and transmit them to the full Board
25 prior to each regularly scheduled Board meeting.

26 Committee requests for reports, data, and information requiring
27 monetary expenditures or excessive use of staff time and resources
28 must be authorized by the full Board.

29 **Miscellaneous**

30 A. Scheduling

31 The committee meetings addressing the monthly Board
32 agenda shall occur after the publication of the official agenda
33 and prior to the regularly scheduled monthly Board meeting.
34 The chair of each committee is responsible for scheduling the
35 committee meeting.

1 B. Agenda items from the Superintendent or staff and the Board
2 Attorney shall include the name of the appropriate committee
3 where the item will be discussed. Board members' agenda
4 items shall include the name of the committee where the item
5 will be discussed. For convenience, Board members may take
6 an agenda item to a committee to which they belong.

7 C. Sunshine Law

8 All committee meetings shall be conducted under the
9 Sunshine Law. (F.S. Chapter 286)

10 D. Rules of Order

11 Robert's Rules of Order will govern committee meetings.

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