

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

SUBJECT: FINAL READING: PROPOSED AMENDMENT OF POLICIES 0165, PUBLIC MEETINGS, AND 0165.1, AGENDA

COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENTAL RELATIONS

LINK TO STRATEGIC FRAMEWORK: SCHOOL/DISTRICT LEADERSHIP

Pursuant to Agenda Item H-3 ("Board Meeting Start Time") presented by Mr. Carlos L. Curbelo, Board Member, at the July 17, 2013, Board meeting, the Board authorized rulemaking to change the starting time for presentation of Board member proclamations and resolutions and the Superintendent's Special Orders. At its August 7, 2013, Board meeting, the Board approved Item G-1 amending Board Policies 0165, *Public Meetings*, and 0165.1, *Agenda*, to change the starting time of this portion of the meeting from 11:45 a.m. to 11:00 a.m. In addition, the number limitation of proclamation/resolution items per Board member per meeting was reduced from three (3) items to two (2). The amendment also allows the Board to recess for lunch prior to the 1:00 p.m. start time of the business portion of the regular meeting if time permits.

The Notice of Intended Action was published in the *Miami Daily Business Review* on August 12, 2013, in various places for public information and mailed to various organizations representing persons affected by the amended policy and to individuals requesting notification. The time to request a hearing or protest the adoption of this amendment has elapsed.

In accordance with the Administrative Procedures Act, this amended policy 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 amendments. 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 Policies 0165, *Public Meetings*, and 0165.1, *Agenda*. and authorize the Superintendent to file the amended policy with The School Board of Miami-Dade County, Florida, to be effective October 16, 2013.

G-5

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on August 7, 2013, its intention to amend Board Policies 0165, *Public Meetings*, and 0165.1, *Agenda*, at its meeting of October 16, 2013.

PURPOSE AND EFFECT: The purpose of the recommended amendments is to change the start time of the Board's regular meetings from 11:45 a.m. to 11:00 a.m. in an effort to allow sufficient time for Board member proclamations and resolutions and the Superintendent's Special Orders to be presented so that the Board may adhere to its published 1:00 p.m. start time for the business portion of the regular meeting. In addition, the number limitation of proclamation/resolution items per Board member per meeting is being reduced from three (3) items to two (2). The amendments also allow the Board to recess for lunch prior to the 1:00 p.m. start time of the business portion of the regular meeting if time permits.

SUMMARY: Because the resolution/proclamation and Superintendent's Special Orders portion of the regular Board meeting often extends past the published 1:00 p.m. start time for the business portion of the meeting, this amendment allows for board member proclamations and resolutions and the Superintendent's Special Order presentations to begin earlier. In addition, the number limitation of proclamation/resolution items per Board member per meeting is being reduced from three (3) items to two (2). The amendments also allow the Board to recess for lunch prior to the 1:00 p.m. start time of the business portion of the regular meeting if time permits.

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

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 1001.41 (1), (2); 1001.42 (25); 1001.43 (10); F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF October 16, 2013, 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 to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by September 2, 2013, 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 are 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: Mr. Carlos L. Curbelo, Board Member
Date: July 17, 2013

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MEETINGS

2 0165

Public Meetings

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A. Regular Meeting

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The School Board shall hold at least one (1) regular meeting each month according to a schedule approved by the Board at its organization meeting.

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All regular meetings will begin at 11:00~~45~~ a.m. in the Board Administration Building Auditorium, 1450 Northeast Second Avenue, Miami, Florida. At 11:00~~45~~ a.m., the Board will address Board member agenda items designated by the Board Chair and seeking approval of recognitions, resolutions, endorsements or proclamations. Board members are limited to ~~three (3)~~ two (2) presentations of these types of items per Board meeting. A quorum must be present to vote on these items. Following the vote, the meeting will recess and the presentation of approved items may then be made. A quorum is not necessary for these presentations. All persons signed up to speak to these items may do so at this time. The Superintendent's Special Orders shall follow the Board member presentations. The Board may then recess for lunch if time permits. The Board meeting will reconvene at 1:00 p.m., at which time a quorum must be present, to complete the remainder of the regular Board meeting agenda.

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Upon public notice, regular meetings of the Board may be held at any appropriate public place in the county. Public notice shall consist of publication in a newspaper of general circulation in the county.

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Any change in the date or time for these meetings shall be by an action of the Board.

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B. Board Committee Meetings

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Board committee meetings addressing the monthly Board agenda shall occur after the publication of the official agenda and prior to the regularly scheduled monthly Board meetings. Unless otherwise noticed, these meetings shall be held in

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**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

BYLAWS
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Room 726, Board Administration Building, 1450 NE 2 Ave.,
Miami, Florida.

C. Special Meeting

Special meetings may be called for official action on topics specified in the call and agenda for the meeting by the Superintendent, the Chair of the Board through the Superintendent, or by request of a majority of the members of the Board. A majority of the members of the Board may only request the convening of a special meeting of the full Board by seeking the approval of a majority of the members present at a regular or special Board meeting.

Unless otherwise noticed, all special meetings will be held in the Board Administration Building Auditorium, 1450 NE 2 Ave., Miami, Florida. The date and time shall be specified in the call and agenda for each meeting.

D. Emergency Meeting

If the Board finds that an immediate danger to the public health, safety, or welfare requires immediate action, it may hold an emergency public meeting in accordance with State law.

E. Public Hearings

Public hearings may be scheduled on a specific topic, document, or proposal which is to be the subject of Board action that will be taken at the public hearing or at an upcoming regular Board meeting, either to comply with State law or to hear citizens on an issue of great public interest.

F. Conference Session

Conference sessions may be conducted to receive information and confer with the Superintendent on issues requiring in-depth consideration and discussion with a possible proposed recommended action to be taken by the Board at an upcoming regular meeting. Citizens will not be heard at conference sessions unless the Board determines otherwise in advance of the session.

1 G. Workshop

2 Workshops may be scheduled to receive information and
3 confer with the Superintendent on issues requiring in-depth
4 consideration and discussion, with a possible proposed
5 recommended action to be taken by the Board at an
6 upcoming regular meeting. Only after a minimum of six (6)
7 Board members, upon being polled by the Chair through
8 his/her designee, have advised of their intent to attend a
9 workshop on a given date, shall the workshop be scheduled,
10 noticed, and advertised. Once the workshop is advertised,
11 noticed, and the meeting is conducted in accordance with the
12 requirements of this rule and with any applicable provisions
13 of the Sunshine Law, the workshop may be held even if a
14 quorum is not present.

15 Workshops will be conducted in Conference Room 726B of
16 the Board Administration Building, 1450 Northeast Second
17 Avenue, Miami, Florida, unless otherwise noticed. If a greater
18 than normal attendance by the public is anticipated for any
19 specific Board workshop, the workshop may be held at the
20 Board auditorium. The date and time shall be specified in the
21 call and agenda for the meeting.

22 H. Member Conferences

23 Individual Board members may sponsor conference-type
24 discussions, inviting Board members, staff and members of
25 the public to engage in a voluntary and informal discussion of
26 topics of vital concern to the member in an effort to foster a
27 free flowing exchange of information and ideas. These
28 conferences must be open to the public and otherwise satisfy
29 Florida law governing public meetings and applicable Board
30 policies.

1 These are voluntary forums for discussion purposes only, are
2 not official Board meetings, and no action may be taken on
3 the topics discussed. Agendas for these meetings will be
4 proposed by the Board member calling the meeting and may
5 be changed or amended as provided by the Sunshine Law,
6 Board policies, and the Administrative Procedure Act.

7 All meetings at which official acts are to be taken are open public
8 meetings, and no resolution, rule, policy, regulation, or formal action
9 shall be considered binding except as taken or made at such a
10 meeting. All meetings of the Board shall be open to the public,
11 except as provided by Florida law, and the order of business of any
12 regular meeting shall include an opportunity for the public to
13 address the Board.

14 F.S. 447

15 Revised 9/7/11

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MEETINGS

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0165.1

Agendas

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A. Preparation and Distribution

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The Superintendent shall be responsible for the preparation and distribution of the agenda for regular and special meetings of the School 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.

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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 the purpose and intent of the item in as much detail as possible.

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The agenda for each Board meeting shall be prepared and distributed in accordance with the requirements of the State of Florida Administrative Procedure Act.

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B. Items Board Member Wish to Include in the Agenda

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Board members who sponsor items, including resolutions, which they wish to have considered at regular Board meetings should submit them to the Superintendent 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 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. All proposed items submitted must contain, at a minimum, a subject heading specifying the topic that is being proposed for discussion.

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1 C. Agenda Changes

2 The agenda shall contain the items to be considered in the
3 order of presentation. After the agenda has been made
4 available, a change shall be made only for good cause, as
5 determined by the Chair, and stated in the record.
6 Notification of such change shall be at the earliest practicable
7 time.

8 D. Co-Sponsorship of Board Member Agenda Items

9 Board members may co-sponsor another Board member's
10 agenda item after it has been published by publicly
11 expressing their desire to co-sponsor the item at the Board
12 committee meeting prior to the Board meeting in which the
13 item will be considered. If the prime sponsor accepts the
14 co-sponsor(s), the prime sponsor will revise and resubmit the
15 item with the addition of the co-sponsor(s).

16 Board members may also express their desire to co-sponsor
17 an item at the regular meeting in which the item is presented
18 for Board approval. If co-sponsorship is requested at a Board
19 meeting, the Board shall treat the request pursuant to
20 Robert's Rules of Order as a motion to amend the item to
21 indicate the co-sponsorship(s).

22 Board members may only co-sponsored other Board
23 members' regular Board meeting agenda items.
24 Co-sponsorship of another Board member's recognition,
25 resolution, endorsement or proclamation will be counted
26 towards the co-sponsoring member's ~~three (3)~~ two (2) item
27 limit for these types of agenda items as described in Policy
28 0165.

29 E. Consent Agenda

30 At the beginning of regular Board meetings, the Chair will call
31 for items which the Board members would like to address and
32 announce those items. The Chair shall then call for a vote on
33 all other agenda items. These items constitute the consent
34 agenda. Rule-making items on which a public hearing has
35 been timely requested pursuant to Bylaw 0131 may not be
36 approved on consent.

- 1 F. Distribution of the Agenda
- 2 1. School Board Members
- 3 The agenda of regular meetings shall be distributed to
- 4 members of the Board and the student advisor at least
- 5 seven (7) days in advance of the meeting date. Copies
- 6 also will be made available to the Board members'
- 7 administrative assistants. The final versions of all
- 8 items and all relevant agenda related material and
- 9 back-up documentation must be presented to Board
- 10 members at least two (2) days before the Board
- 11 committee meetings. This requirement shall not apply
- 12 to items dealing with personnel appointments and
- 13 assignments, matters that are not appropriate for
- 14 review by Board committees, and items presented at
- 15 special or emergency meetings of the Board.
- 16 2. Administrative Staff and Recognized Employee
- 17 Organizations
- 18 The Superintendent shall determine the administrative
- 19 staff of the school system to whom the agenda for
- 20 regular and special meetings of the Board will be
- 21 distributed in advance of the meetings and shall
- 22 distribute the agenda to employee organizations as
- 23 provided for in the collective bargaining agreements
- 24 with approved bargaining units.
- 25 3. Individuals and Community Organizations
- 26 a. A copy of the agenda may be examined and/or
- 27 obtained by an interested person at the Citizen
- 28 Information Center after the agenda is
- 29 published.

- 1 For news media representatives, the County
2 Council PTA/PTSA Executive Board, the Miami-
3 Dade County Association of Student
4 Government Presidents, and other governmental
5 education-related community organizations,
6 copies of the agenda will be made available at no
7 cost through the Citizen Information Center.
8 Requests for other distribution may be made by
9 the Superintendent or any Board member.
- 10 b. A copy of the agenda also will be available at the
11 Citizen Information Center prior to and during
12 Board meetings.
- 13 c. The agenda may be accessed via the Board's
14 website.
- 15 G. Distribution of Agenda-related Supplemental Materials and
16 Documents
- 17 1. Board Members
- 18 Prior to each meeting of the Board, the Superintendent
19 will distribute to each Board member and the student
20 advisor supporting materials and documents prepared
21 to accompany the items which are included on the
22 agenda. The final versions of all items, along with all
23 relevant agenda related material and back-up
24 documentation must be presented to Board members
25 at least two (2) days before the Board committee
26 meetings. Copies of the supporting materials and
27 documents also will be made available to the
28 administrative assistants to the members of the Board.
- 29 2. Administrative Staff and Recognized Employee
30 Organizations
- 31 The document containing supplemental materials to
32 the agenda will be distributed to the administrative
33 staff of the school system as determined by the
34 Superintendent. The Superintendent shall distribute
35 this document to employee organizations as provided
36 for in the collective bargaining agreements with
37 approved bargaining units.

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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.

3. 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 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 prior to and during Board meetings.

- H. The Board shall transact business according to the agenda prepared by the Superintendent and submitted to all Board members in advance of the meeting. The order of business may be altered by a majority vote of the members present and items added for good cause as determined by the Chair.
- I. The agenda for special meetings called by the Superintendent, or by the Superintendent on request of the Board Chair, or on the request of a majority of the Board members, shall be prepared upon the calling of the meeting but not less than forty-eight (48) hours prior to such a meeting.

Revised 4/17/13