

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

SUBJECT: **INITIAL READING: PROPOSED NEW POLICY BYLAW 0121.1, FINANCIAL EMERGENCIES, AND POLICY BYLAW AMENDMENTS 0155, SCHOOL BOARD COMMITTEES; 0166, NON-PUBLIC MEETINGS; 0165, PUBLIC MEETINGS; 0151 ORGANIZATIONAL MEETING; 0144, TERM; 0141.2, CONFLICT OF INTEREST; 0141.3, CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP; 0165.1, AGENDAS; 0169.1, PUBLIC PARTICIPATION AT BOARD MEETINGS**

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

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

Pursuant to Revised Agenda Item H-10 ("Scheduling Board Meetings") presented by Dr. Martin Karp, Board Member, at the January 15, 2014, Board meeting, the Board authorized rulemaking to amend relevant Board policies to require that Wednesday be the preferred day for scheduling School Board meetings. This item requests approval to amend Board Policies 0150, *School Board Committees*, 0165, *Public Meetings*, and 0166, *Non-Public Meetings*, to require that Wednesday be the preferred date for Board meetings. The policy amendments recognize and provide that other factors may impede such consideration, including but not limited to advertisements and agenda publication deadlines, emergency meetings, annual organizational meeting, legislatively mandated periods for special meetings and budget public hearings, religious holidays, previously calendar conflicts and travel, legislative session, Dade Days and graduations.

In addition, this item requests approval of policy amendments to various other Board Bylaws in order to comply with new statutory requirements and amendments related to the organizational meeting, term of office, publication of agenda items, public participation in Board meetings, conflicts of interest, prohibited gifts and honoraria, and a new policy regarding reporting and resolving financial emergencies.

Attached is the Notice of Intended Action and the proposed new policy and amendments. Changes from the current policies 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 pursuant to the Administrative Procedure Act to promulgate new Board Policy 0121.1, *Financial Emergencies*, and amend Board Policy Bylaws 0155, *Board Committees*; 0166, *Non-Public Meetings*; 0165, *Public Meetings*; 0151, *Organizational Meeting*; 0144, *Term*; 0141.2, *Conflict of Interest*; 0141.3, *Conflicting Employment or Contractual Relationship*; 0165.1, *Agendas*; and 0169.1, *Public Participation at Board Meetings*.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings pursuant to the Administrative Procedure Act to promulgate new Board Policy 0121.1, *Financial Emergencies*, and amend Board Policy Bylaws 0155, *Board Committees*; 0166, *Non-Public Meetings*; 0165, *Public Meetings*; 0151, *Organizational Meeting*; 0144, *Term*; 0141.2, *Conflict of Interest*; 0141.3, *Conflicting Employment or Contractual Relationship*; 0165.1, *Agendas*; and 0169.1, *Public Participation at Board Meetings*.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on May 7, 2014, its intention to promulgate new Board Policy 0121.1, *Financial Emergencies*, and amend Board Policy Bylaws 0150, *School Board Committees*; 0166, *Non-Public Meetings*; 0165, *Public Meetings*; 0151, *Organizational Meeting*; 0144, *Term*; 0141.2; *Conflict of Interest*, 0141.3; *Conflicting Employment or Contractual Relationship*; 0165.1, *Agendas*; and 0169.1, *Public Participation at Board Meetings*, at its meeting of June 18, 2014.

PURPOSE AND EFFECT: The purpose of the amendments to Board Policies 0150, *School Board Committees*; 0165, *Public Meetings*; and 0166, *Non-Public Meetings*, is to require that Wednesday be the preferred date for Board meetings. These policy amendments recognize and provide that other factors may impede such consideration, including but not limited to, advertisements and agenda publication deadlines, emergency meetings, annual organizational meeting, legislatively mandated periods for special meetings and budget public hearings, religious holidays, previously scheduled calendar conflicts and travel, legislative session, Dade Days and graduations. In addition, this item requests approval of policy amendments to various other Board Bylaws in order to comply with new statutory requirements and amendments related to the organizational meeting, term of office, public participation in Board meetings, publication of Board agenda holder items, conflict of interest, prohibited gifts and honoraria, and a new policy regarding reporting and resolving financial emergencies.

SUMMARY: The amendments require that Wednesdays be the first consideration for scheduling Board meetings. Other amendments are required to comply with new legislative requirements and statutory amendments related to the organizational meeting, term of office, public participation in Board meetings, publication of Board agenda items, conflicts of interest, prohibited gifts and honoraria, and a new policy regarding reporting and resolving financial emergencies.

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: 100.041, 112.313(7), (13), (14), 112.3125, 112.3143, 112.3148, 112.3149, 286.0114, 1001.371, 1001.41 (1), (2); 1001.42 (25); 1001.43 (10), F.S.,

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF June 18, 2014, 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 June 3, 2014, 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 NEW AND 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.

NEW POLICY

0121.1

Financial Emergencies

When a financial emergency, as defined by F.S. 218.503(1), occurs, the School Board shall notify the Commissioner of Education and the Legislative Auditing Committee that such conditions have occurred, or will occur if action is not taken to assist the Board.

The Commissioner of Education shall contact the Board to determine what actions have been taken by the Board to resolve or prevent the condition. The Board shall provide the information requested within forty-five (45) days of the date of the request.

The Commissioner of Education shall determine whether the Board needs state assistance to resolve or prevent the condition. If State assistance is needed, the Board is considered to be in a state of financial emergency, and the Commissioner has the authority to implement measures as set forth in State law to assist the Board in resolving the financial emergency.

The failure of the members of the Board to resolve a state of financial emergency would constitute malfeasance, misfeasance, and neglect of duty, and the members of the Board may be subject to the penalties set in forth Article IV, Section 7 of the Constitution of the State of Florida.

F.S. 218.39, 218.50, 218.501, 218.503, 218.504

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

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3. The annual budget may be considered by the Innovation, Efficiency and Governmental Relations Committee, at the discretion of the committee chair, prior to consideration by the full Board. If the committee chair calls a committee meeting to review the annual budget, the meeting will be held in a budget workshop format and all Board members will be invited to attend and participate.
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4. Board members may submit issues for discussion to the appropriate committee staff liaison in sufficient time to be included on the published committee meeting agenda. The issue submitted shall include a brief summary of the topic to be discussed.
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- This provision does not prohibit Board members from raising unpublished discussion issues under the committee's new business agenda section.
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- Discussion issues, whether published or not, shall not be forwarded to the full Board and no action may be taken on these issues by the committee.
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- C. Each committee is authorized to invite public officials, public employees, or private individuals to appear before the committee for the purpose of obtaining information.
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- D. For any matter which will be considered by the full Board, the committee may forward it to the full Board as:
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1. recommended;
 2. not recommended;
 3. recommended with modification; or
 4. no recommendation.

- 1 E. The presence of two (2) or more members of a committee shall
2 constitute a quorum for voting purposes. The Chair and
3 Vice-Chair, if present, may be counted in determining if a
4 quorum is present at any committee meeting. The Board
5 Chair shall appoint two (2) alternate members to serve on
6 each Board committee. In those instances where at least
7 two (2) members of a committee are not present, any Board
8 member who has been designated to serve as an alternate
9 member of the committee may be counted as a member of the
10 committee for purposes of establishing a quorum. In the
11 event of an anticipated absence, committee members shall
12 notify the committee chair, so that alternate members are
13 advised that their attendance at the meeting is requested. In
14 the absence of a quorum, all Board agenda items scheduled
15 to be considered by the committee will be forwarded to the
16 full Board with no recommendation.
- 17 F. In the event that a monthly meeting is not called by the
18 committee chair, the vice-chair or a member of the committee
19 who wishes to convene a meeting may request the meeting
20 through the chair of the committee, who shall then schedule
21 the meeting according to the Sunshine Law. No scheduled
22 committee meeting shall be canceled if any member of the
23 committee wishes to convene the meeting.
- 24 G. In the event that the chair of a committee is unavailable for a
25 scheduled committee meeting, the vice-chair will serve as
26 chair. In the event the chair and vice-chair are unavailable,
27 either remaining member by agreement of the membership
28 may serve as chair of the committee meeting.
- 29 H. Once considered by committee, agenda items and matters to
30 be considered by the full Board will be forwarded to the full
31 Board. The full Board will be advised of the committee's
32 recommendation in a manner to be determined by the
33 committee chair.

1 **Staff Liaison and Resource Persons**

2 The Superintendent shall designate at least one (1) staff liaison to
3 each committee who will be responsible for notification of meetings,
4 preparation of agendas, documentation of meetings by tape
5 recording and development of reports and data for use of the
6 committee. The staff liaison shall prepare minutes of committee
7 meetings in a uniform format and transmit them to the full Board
8 prior to each regularly scheduled Board meeting.

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

12 **Miscellaneous**

13 A. Scheduling

14 The committee meetings addressing the monthly Board
15 agenda shall occur after the publication of the official agenda
16 and prior to the regularly scheduled monthly Board meeting.
17 The chair of each committee is responsible for scheduling the
18 committee meeting. The Board shall first consider
19 Wednesdays to schedule all committee meetings in which
20 Board members are requested to attend, recognizing that
21 certain factors may impede consideration for Wednesdays
22 including, but not limited to, advertisements, agenda
23 publication deadlines, emergency meetings, annual
24 organizational meeting, legislatively mandated periods for
25 special meetings and budget public hearings, religious
26 holidays, previously scheduled calendared conflicts and
27 travel, legislative session, Dade Days and graduations.

28 B. Agenda items from the Superintendent or staff and the Board
29 Attorney shall include the name of the appropriate committee
30 where the item will be discussed. Board members' agenda
31 items shall include the name of the committee where the item
32 will be discussed. For convenience, Board members may take
33 an agenda item to a committee to which they belong.

34 C. Sunshine Law

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

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1 D. Rules of Order

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

3 Revised 1/18/12

4 Revised 10/10/12

5 © NEOLA 2008

1 MEETINGS

2 0166

Non-Public Meetings

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4 A. Attorney-Client Sessions

5 The School Board and its attorneys may meet in private to
6 discuss pending litigation to which the Board is presently a
7 party under the following conditions:

- 8 1. The Board Attorney shall advise the Board at a public
9 meeting that s/he desires advice concerning the
10 litigation. Alternatively, the Board Attorney may
11 submit a written request for an attorney-client session
12 to the Board Chair.
- 13 2. The subject matter of the meeting shall be confined to
14 settlement negotiations or strategy sessions related to
15 litigation expenditures.
- 16 3. The Board shall give reasonable public notice on the
17 Board's website and a local newspaper of the time and
18 date of the attorney-client session and the names of
19 persons who will be attending the session. The session
20 shall commence at an open meeting at which the
21 persons chairing the meeting shall announce the
22 commencement and estimated length of the attorney-
23 client session and the names of the persons attending.
- 24 4. The entire session shall be recorded by a certified court
25 reporter. The reporter shall record the times of
26 commencement and termination of the session, all
27 discussion and proceedings, the names of all persons
28 present at any time, and the names of all persons
29 speaking. No portion of the session shall be off the
30 record. The court reporter's notes shall be fully
31 transcribed and filed with the Clerk of the Board within
32 a reasonable time after the meeting.
- 33 5. At the conclusion of the attorney-client session, the
34 meeting shall be reopened, and the person chairing the
35 meeting shall announce the termination of the session.

1 6. The transcript shall be made part of the public record
2 upon conclusion of the litigation.

3 7. Any discussions held during the attorney-client session
4 and any materials presented at the session are
5 confidential and may not be publicly disclosed, except
6 as provided under F.S. 286.011(8).

7 B. Risk Management Sessions

8 The Board and its attorneys may meet in private to discuss
9 the evaluation of claims filed with the risk management
10 program or which relate solely to offers of compromise of
11 claims filed with the risk management program. Until
12 termination of all litigation and settlement of all claims
13 arising out of the same incident, persons involved in
14 discussions pertinent to the evaluation of a filed claim shall
15 not be subject to subpoena in any administrative or civil
16 proceeding with regard to the content of those discussions.

17 All risk management sessions held between the Board, its
18 attorneys and members of the School District's Risk
19 Management department shall abide by the recording
20 requirements. The Board Attorney shall communicate the
21 need for a Risk Management session to the Chair of the Board
22 who shall determine the date the meeting will be held.

23 Risk management sessions do not require public notice. Any
24 discussions held during a risk management session and any
25 materials presented at the session are confidential and may
26 not be publicly disclosed until termination of all litigation and
27 settlement of all claims arising out of the same incident,
28 although portions of the claim files may remain exempt from
29 disclosure.

30 C. Executive Sessions

31 The Board may meet privately in confidential executive
32 session to discuss issues related to collective bargaining.

33 All work product developed by the Superintendent or the
34 Board in preparation for negotiations, and during
35 negotiations are confidential and exempt from Public Records
36 laws.

1 The Superintendent shall notify the Board of the need for an
2 executive session at the earliest practical date before the
3 session is scheduled.

4 Executive sessions of the Board do not require public notice,
5 but the memorandum setting the date, time and purpose of
6 the session may be publicly disseminated. Any discussions
7 held during an executive session and any materials presented
8 at the session are confidential, and may not be publicly
9 disclosed.

10 D. Penalties For Violation of Confidentiality of Closed Sessions

11 All participants attending these non-public meetings must
12 maintain the confidentiality of the information provided and
13 may not disclose this information to the public. Disclosure of
14 confidential information may place the Board in a
15 disadvantageous position in either litigation or in collective
16 bargaining. In addition, disclosure of such confidential
17 information could be a violation of the Code of Ethics for
18 Public Officers and Employees as outlined under F.S.
19 Chapter 112. A complaint shall be filed, if deemed
20 appropriate, by the Ethics Advisory Committee with the
21 Florida Commission on Ethics against any individual who is
22 determined to have disclosed confidential information that
23 was provided solely at an attorney-client, risk management,
24 or executive session. The Florida Commission on Ethics has
25 the authority to make final determinations with regard to
26 such complaints. Participants at these sessions are not
27 precluded from using the information provided in these
28 sessions to fulfill the duties and responsibilities of their
29 assigned administrative positions.

30 E. Settlement Authority

1 Any settlements of civil cases that are reached as a result of
2 an attorney-client session and that are beyond the monetary
3 threshold afforded to the Board Attorney, shall be presented
4 to the Board for approval. Settlements of tort cases that are
5 reached as a result of direction given at a risk management
6 session do not require Board authorization if they do not go
7 beyond the previously established monetary thresholds.

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9 F. Scheduling

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11 The Board shall first consider Wednesdays to schedule all
12 meetings in which Board members are requested to attend,
13 recognizing that certain factors may impede consideration for
14 Wednesdays including, but not limited to, advertisements,
15 agenda publication deadlines, emergency meetings, annual
16 organizational meeting, legislatively mandated periods for
17 special meetings and budget public hearings, religious
18 holidays, previously scheduled calendared conflicts and
19 travel, legislative session, Dade Days and graduations.

1 MEETINGS

2 0165

Public Meetings

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

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12 The Board shall first consider Wednesdays to schedule all meetings
13 in which Board members are requested to attend, recognizing that
14 certain factors may impede consideration for Wednesdays including,
15 but not limited to, advertisements, agenda publication deadlines,
16 emergency meetings, annual organizational meeting, legislatively
17 mandated periods for special meetings and budget public hearings,
18 religious holidays, previously scheduled calendared conflicts and
19 travel, legislative session, Dade Days and graduations.

20 A. Regular Meeting

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

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

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

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

24 B. Board Committee Meetings

25 Board committee meetings addressing the monthly Board
26 agenda shall occur after the publication of the official agenda
27 and prior to the regularly scheduled monthly Board meetings.
28 Unless otherwise noticed, these meetings shall be held in
29 Room 726, Board Administration Building, 1450 NE 2 Ave.,
30 Miami, Florida.

31 C. Special Meeting

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

40 Unless otherwise noticed, all special meetings will be held in
41 the Board Administration Building Auditorium, 1450 NE 2

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1 Ave., Miami, Florida. The date and time shall be specified in
2 the call and agenda for each meeting.

3 D. Emergency Meeting

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

8 E. Public Hearings

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

1 F. Conference Session

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

9 G. Workshop

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

23 Workshops will be conducted in Conference Room 726B of
24 the Board Administration Building, 1450 Northeast Second
25 Avenue, Miami, Florida, unless otherwise noticed. If a greater
26 than normal attendance by the public is anticipated for any
27 specific Board workshop, the workshop may be held at the
28 Board auditorium. The date and time shall be specified in the
29 call and agenda for the meeting.

30 H. Member Conferences

31 Individual Board members may sponsor conference-type
32 discussions, inviting Board members, staff and members of
33 the public to engage in a voluntary and informal discussion of
34 topics of vital concern to the member in an effort to foster a
35 free flowing exchange of information and ideas. These
36 conferences must be open to the public and otherwise satisfy
37 Florida law governing public meetings and applicable Board
38 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. 447286.011, 286.0114, F.S.

15 Revised 9/7/11

16 Revised 10/16/13

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MEMBERSHIP

2 0141.2 **Conflict of Interest**

School Board members are governed by the Code of Ethics for Public Officers and Employees, Part III of F.S. Chapter 112 and by other statutes in the school code. Board members and the Superintendent shall annually participate in four (4) hours of ethics training as specified by law (F.S. 112.3145, C.O.E. 34-7.0251)

The following is a summary of the statutory mandates. They are not definitive rules and the statute must be consulted for applicable definitions and for exemptions.

A. Standards of Conduct

1. Gifts

No Board member may either solicit or accept anything of value - including a gift, loan, reward, promise of future employment, favor, or service - that is based on any understanding that the vote, official action, or judgment of the Board member would be influenced by such gift.

F.S. 112.313(2)

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1 | limited to, or from the employer, principal, partner, or
2 | firm of the lobbyist). Actual and reasonable
3 | transportation, lodging, and food and beverage
4 | expenses related to the honorarium event for a Board
5 | member and spouse may be accepted.
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7 | “Vendor” is defined as a business entity doing business
8 | directly with the Board, such as renting, leasing, or
9 | selling realty, goods, or services.
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11 | F.S. 112.3149

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4. Unauthorized Compensation

No Board member or his/her spouse or minor child may accept any compensation, payment, or thing of value which, with the exercise of reasonable care, is known or should be known to influence the vote or official action of such Board member.

F.S. 112.313(4)

5. Doing Business with One's Agency

No Board member acting in his/her official capacity may, directly or indirectly, purchase, rent, or lease any realty, goods, or services from a business entity in which the Board member, his/her spouse, or child is an officer, partner, director, or proprietor, or in which the Board member, his/her spouse, or child (or any combination of them) owns a material interest. Nor may a Board member, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the Board or any of its agencies.

F.S. 112.313(3)

6. Misuse of Public Position

No Board member may corruptly use or attempt to use his/her official position or any property or resource within his/her trust, or perform his/her official duties, to obtain a special privilege, benefit, or exemption for the Board member or others.

F.S. 112.313(6)

7. Disclosure or Use of Certain Information

No Board member may disclose or use information not available to the general public and gained by reason of his/her public position for his/her personal benefit or the benefit of others.

F.S. 112.313(8)

- 1 E. No contract for supplying materials, supplies, and services
2 needed for the District school system shall be made with any
3 member of the Board, with the Superintendent, or with any
4 business organization in which any Board member or the
5 Superintendent has any financial interest whatsoever.

6 F.S. 1001.42

7 **Additional Provisions**

- 8 A. Board members shall accept no gifts from any individual,
9 firm, or business entity which the Board member has reason
10 to believe is doing business with or seeking to do business
11 with the District. Meals and admissions to events which
12 relate directly to the school system may be accepted.
- 13 B. Board members shall not participate in trips paid by a vendor
14 or potential vendor for the purpose of inspecting products or
15 programs useful to the District. Such trips, if deemed
16 necessary, shall always be made at District expense and
17 approved by the Board at a public meeting.
- 18 C. Board members, their spouses, or campaign committees shall
19 not solicit any vendor or any employee of this District to make
20 contributions to any political campaign or testimonial.
- 21 D. Board members shall not solicit nor accept personal
22 discounts on merchandise or services from individuals, firms,
23 or business entities which the Board member has reason to
24 believe are doing business with or seeking to do business
25 with this District unless those discounts are available to the
26 general public.
- 27 E. No Board member may recommend the services of any lawyer
28 or law firm, architect or architectural firm, public relations
29 firm, or any other person or firm, professional or otherwise, to
30 assist in any transaction involving the District unless the
31 recommendation is made at a public meeting of the Board.

- 1 F. Board members are prohibited from acting as an agent or
2 attorney for compensation for anyone in connection with any
3 matter in which the District is interested for two (2) years
4 after his/her Board service terminates.

5 **Guidelines for Avoidance of Conflict of Interest**

6 The following guidelines are intended to avoid conflicts of interests
7 or the appearance of conflict as it relates to personal purchases or
8 private contracting. These guidelines do not apply to purchases
9 made in a private capacity of goods or services at a price and upon
10 terms available to similarly situated members of the general public.

- 11 A. When entering into a transaction or contractual relationship
12 as described above, Board members will make the following
13 inquiries to the entity with whom they are contracting:

- 14 1. Does the business entity have a contractual
15 relationship with the Board for more than \$500?
- 16 2. Is the contracting individual a principal or employee of
17 an entity with a contractual relationship with the
18 Board for more than \$500?

- 19 B. If an affirmative answer is given to either inquiry above, the
20 Board member will request from the Board Attorney a written
21 opinion indicating whether contracting with the individual or
22 entity would constitute a conflict of interest pursuant to Code
23 of Ethics for Public Officers and Employees, or other State
24 statute or Board rule. The Board Attorney will issue a written
25 opinion or will refer the Board member to the Florida
26 Commission on Ethics.

- 27 C. Clarification and opinions regarding the application of the
28 Code of Ethics for Public Officers and Employees can be
29 obtained at any time from the Florida Commission on Ethics.

30 Revised 9/3/13

*REPLACE THIS PAGE ONLY

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- 1 | additional compensation, or anything of value provided or given an
- 2 | employee who is similarly situated.
- 3 |
- 4 | Nothing in this policy may be interpreted as authorizing employment
- 5 | that is otherwise prohibited by law.
- 6 |
- 7 |
- 8 | F.S. 112.313(7), (14); 112.3125.

MEETINGS

0165.1 **Agendas**

A. Preparation and Distribution

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.

~~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.~~

The agenda for each Board meeting shall be prepared and distributed in accordance with the requirements of the State of Florida Administrative Procedure Act. Complete agenda items must include at least one named sponsor, heading, Board Committee designation, link to strategic plan, subject, explanation, recommended action, and any required attachments.

On occasion, a proposed agenda item may be submitted as a "holder" when there is insufficient information to provide a full description of the action being proposed. Holder agenda items shall, at a minimum, describe the purpose and intent of the item in as much detail as possible. However, except for information items, resolutions, endorsements and proclamations, these proposed holder agenda items cannot be published unless they are complete. If a complete agenda item for items other than information, resolutions, endorsements and proclamations, is not submitted by the statutory and policy deadlines for agenda publication, a holder agenda item shall not be published and the Board may not take action on the item.

DELETED

1 B. Items Board Member Wish to Include in the Agenda

2 Board members who sponsor items, including resolutions,
3 which they wish to have considered at regular Board
4 meetings should submit them to the Superintendent for
5 inclusion in the agenda at least nine (9) calendar days prior
6 to a regular Board meeting. Proposed Board member items
7 are to be submitted for each subsequent meeting no earlier
8 than the next regular business day after the conclusion of the
9 prior regular Board meeting. In order to ensure that items
10 proposed by Board members are numbered in the order in
11 which they are received by the Board Office Manager or
12 anyone designated by the Superintendent for this purpose, all
13 proposed items by Board members will be date-stamped and
14 numbered in the sequence in which they are received. All
15 proposed items submitted must contain, at a minimum, a
16 subject heading specifying the topic that is being proposed for
17 discussion.

18 C. Agenda Changes

19 The agenda shall contain the items to be considered in the
20 order of presentation. After the agenda has been made
21 available, a change shall be made only for good cause, as
22 determined by the Chair, and stated in the record.
23 Notification of such change shall be at the earliest practicable
24 time.

25 D. Co-Sponsorship of Board Member Agenda Items

26 Board members may co-sponsor another Board member's
27 agenda item after it has been published by publicly
28 expressing their desire to co-sponsor the item at the Board
29 committee meeting prior to the Board meeting in which the
30 item will be considered. If the prime sponsor accepts the
31 co-sponsor(s), the prime sponsor will revise and resubmit the
32 item with the addition of the co-sponsor(s).

33 Board members may also express their desire to co-sponsor
34 an item at the regular meeting in which the item is presented
35 for Board approval. If co-sponsorship is requested at a Board
36 meeting, the Board shall treat the request pursuant to
37 Robert's Rules of Order as a motion to amend the item to
38 indicate the co-sponsorship(s).

39 Board members may only co-sponsor other Board members'
40 regular Board meeting agenda items. Co-sponsorship of
41 another Board member's recognition, resolution, endorsement
42 or proclamation will be counted towards the co-sponsoring

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1 member's two (2) item limit for these types of agenda items as
2 described in Policy 0165.

3 E. Consent Agenda

4 At the beginning of regular Board meetings, the Chair will
5 call for items which the Board members would like to address
6 and announce those items. The items not selected by Board
7 members to address constitute the consent agenda. The
8 Chair shall call on speakers who have signed up to speak to
9 those items pursuant to Board Policy 0160, Public
10 Participation, and provide them the opportunity to speak. The
11 chair will then call for a vote on the consent agenda. all other
12 agenda items. These items constitute the consent agenda.
13 Rule-making items on which a public hearing has been timely
14 requested pursuant to Bylaw 0131 may not be approved on
15 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
3 Miami-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.

1 The distribution of this document, though, shall be
2 kept to an absolute minimum because of the expense
3 involved in preparing copies of all documents and
4 materials.

5 3. For news media representatives, the County Council
6 PTA/PTSA Executive Board, the Miami-Dade County
7 Association of Student Government Presidents, and
8 other governmental and education-related community
9 agencies, copies of the supplemental materials will be
10 made available to them at no cost through the Citizen
11 Information Center. The distribution of these materials
12 shall be kept to an absolute minimum because of the
13 expense involved in preparing copies of all documents
14 and materials.

15 A copy of these materials will be available at the Citizen
16 Information Center prior to and during Board meetings.

17 H. The Board shall transact business according to the agenda
18 prepared by the Superintendent and submitted to all Board
19 members in advance of the meeting. The order of business
20 may be altered by a majority vote of the members present and
21 items added for good cause as determined by the Chair.

22 I. The agenda for special meetings called by the Superintendent,
23 or by the Superintendent on request of the Board Chair, or on
24 the request of a majority of the Board members, shall be
25 prepared upon the calling of the meeting but not less than
26 forty-eight (48) hours prior to such a meeting.

27 Revised 4/17/13
28 Revised 10/16/13

1 MEETINGS

2 0169.1 **Public Participation at Board Meetings**

3 The Chair of each Board meeting at which public participation is
4 permitted shall administer the rules of the Board for its conduct.

5 The Chair shall be guided by the following rules:

6 A. Any citizen may address the Board directly concerning any
7 subject that lies within the jurisdiction of the Board.

8 B. Individuals who wish to be heard by the Board on a topic
9 which is not on the agenda for the meeting shall be scheduled
10 for an appearance only at the public hearing during the
11 regularly scheduled Board meeting each month. However,
12 citizens who wish to speak to a topic on the agenda may be
13 scheduled to appear at any Board meeting for which the topic
14 is listed as an item.

15
16 C. Where a large number of individuals have signed up to speak
17 according to this policy, the individuals may select a group
18 spokesperson to address the Board on behalf of those
19 individuals.

20 DE. Citizens scheduled to speak shall be called by the Chair at
21 the appropriate time during the meeting. –Each individual
22 shall state for the record their name, address, (the address
23 may be given orally or in writing, at the speaker's option),
24 organization or persons represented and whether s/he is
25 being compensated for the appearance. Substitutions for
26 scheduled speakers will not be allowed except in exceptional
27 circumstances as determined by the Chair.

28 DE. Decorum:

29 1. Citizen's remarks should be directed to the presiding
30 officer or the Board as a whole and not to individual
31 Board members. Speakers may not address Board
32 members by name.

33 2. Speakers commenting on agenda items shall confine
34 their comments solely to the agenda item being

1 discussed. During the public hearing, speakers must
2 limit their remarks to matters related to the business
3 of the District. Speakers are prohibited from discussing
4 their own pending court cases and filed claims or
5 complaints against the District or District personnel.
6 Speakers may not use any form of profanity or loud
7 abusive comments.

8 3. No clapping, applauding, heckling, shouting comments
9 from the audience, or verbal outbursts in support or
10 opposition to a speaker or his/her remarks shall be
11 permitted. No signs or placards shall be allowed in the
12 Board meeting. Persons exiting the Board meeting
13 shall do so quietly.

14 4. The Chair may notify and warn speakers that their
15 comments have gone beyond the subject matter for
16 which they had signed up to address, address matters
17 that are not related to the business of the School
18 District, constitute personal attacks on individuals or
19 otherwise violate this policy.

20 5. The Chair may turn off the microphone or recess the
21 meeting if a speaker persists in addressing irrelevant
22 topics or engaging in personal attacks. The Chair has
23 the authority after one warning to order the removal of
24 the speaker from the meetings.

25 6. Following a warning, any person making impertinent
26 or slanderous remarks or who becomes boisterous
27 while addressing the Board shall be barred from
28 further appearance before the Board for the balance of
29 the meeting.

30 7. Personal cellular telephone conversations while in the
31 room when the Board meeting is being conducted is
32 not permitted. Such conversations are permitted only
33 during meeting breaks or recess. Ringers must be set
34 to silent mode to avoid disruption of proceedings.
35 Individuals, including those on the dais, must exit the
36 chambers to answer incoming cell phone calls.

37
38
39
40
41
42 F. Citizens may be heard on consent agenda items before the
43 Board votes on those items. After the consent agenda is
44 determined by the Board pursuant to Board Policy 0165.1,
45 Agendas, the Board chair shall call on speakers who have
46 signed up to speak to those items and provide them the
47 opportunity to speak.

1 EG. Citizens may be heard on matters on the consent agenda or
2 not on the Board agenda at the regularly scheduled meeting
3 of the Board each month at the public hearing which shall
4 begin no later than approximately 6:30 p.m. The Chair may
5 begin calling speakers who are present immediately following
6 the conclusion of the regular agenda. The public hearing
7 shall not conclude before 4:30 p.m. unless all of the speakers
8 signed up to speak are present and have been given the
9 opportunity to speak.

10
11 H. The Board may prohibit public participation on official acts
12 that must be taken to deal with an emergency situation
13 affecting the public health, welfare, or safety, if allowing
14 public speakers would cause an unreasonable delay in the
15 ability of the Board to act. The Board may also prohibit public
16 participation on ministerial acts, including but not limited to,
17 approval of Board minutes and bid-opening lists. The Board
18 may allow public comment on ceremonial proclamations and
19 resolutions.

FI. Scheduled Public Hearings

20 1. To appear under "Scheduled Public Hearings," citizens
21 must present a written request to the Superintendent
22 no later than 4:30 p.m. of the Monday preceding a
23 regular Wednesday Board meeting. Forms to be used
24 in submitting these requests are available at all Region
25 Offices, the Office of Citizen Information at the Board
26 Administration Building, and on the District website.
27 The request shall contain the following information:

28 a. name, address and telephone number of person
29 who is to appear;

30 b. organization or persons represented and
31 whether the person to appear is being
32 compensated; and

33 c. topic to be presented.

34 2. The Superintendent shall provide to each Board
35 member a list of the persons scheduled to speak.

36 3. Any one speaker or spokesperson for a group shall be
37 permitted to speak no more than three (3) minutes at
38 the Scheduled Public Hearings no matter how many
39 issues that individual addresses, nor more than a total
40 of ten (10) minutes during the Board meeting,

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1 (including time on agenda items and, later, on consent
2 or non-agenda items), except in unusual
3 circumstances determined and approved by
4 unanimous vote of Board members present at the
5 meeting. If a speaker signs up to speak to an item
6 passed on consent or a non-agenda item, then the
7 speaker will be given additional time during the public
8 hearing that the speaker would have been given had
9 they addressed the item during the regular meeting,
10 provided such additional time does not exceed a total
11 of ten (10) minutes for the entire meeting.

12 4. Speakers may not refuse to yield the podium when the
13 Chair has advised that their time is up.

14 5. The total time allotted for the public hearing shall not
15 exceed one and one-half (1 1/2) hours. The time limit
16 on the public hearing portion of the regular Board
17 meeting may be extended by a majority vote of the
18 Board.

19 6. Pursuant to the rules of parliamentary procedure, the
20 Board may reconsider any item that passed on consent
21 during the scheduled public hearing.

22 7. Speakers will be recognized in the order the requests
23 were received.

24 8. Any person who feels that the subject matter has not
25 been adequately covered in the time allotted may
26 present additional information in writing.

27 GJ. Procedures when not scheduled under Scheduled Public
28 Hearings

29 1. A person in this category seeking consent to speak
30 must submit, either before or during the meeting, a
31 written request to the Board Chair.

32 2. The request must state the person's name, address,
33 and subject.

34 3. Board members present at the meeting must vote by a
35 majority for the person to be heard.

36 4. If the request is approved, the Board Chair shall allot
37 the individual a maximum of three (3) minutes time.

1 | HK. Appearances on Board Agenda Items

2 | 1. Procedures to be scheduled under "Requests to Speak
3 | to Agenda Items"

4 | a. Any person who wishes to address the Board on
5 | an item or items on the agenda may be
6 | scheduled under "Requests to Speak to Agenda
7 | Items" by presenting a written request to the
8 | Superintendent. In the case of a special Board
9 | meeting, the deadline shall be noon on the last
10 | business day preceding the date of the meeting.

11 | b. The total time allotted for all individuals who
12 | request to be heard on the same agenda item
13 | shall be determined by majority vote of the
14 | Board members present at the meeting. Any
15 | one speaker or spokesperson for a group shall
16 | be permitted to speak no more than two (2)
17 | minutes on any one agenda item, nor more than
18 | a total of ten (10) minutes during the Board
19 | meeting, including speaking time during a
20 | public hearing, regardless of the number of
21 | agenda items to be addressed, except in
22 | unusual circumstances determined and
23 | approved by unanimous vote of Board members
24 | present at the meeting. Additional comments
25 | may be presented in writing.

26 | 2. Procedures when not scheduled under "Requests to
27 | Speak to Agenda Items"

28 | Persons not scheduled in advance to speak to agenda
29 | items may request approval of the Board to be heard,
30 | as follows:

31 | a. Before or during the meeting, the person must
32 | write their name, address and number of
33 | agenda item in which interested on a slip of
34 | paper and hand to the presiding officer before
35 | the item is considered by the Board.

- 1 b. Receive approval to be heard by a majority vote
2 of Board members present at the meeting and
3 voting.
- 4 c. The presiding officer may designate a particular
5 time prior to Board action on the agenda item
6 for such persons to be heard.
- 7 d. If Board approval is granted for the person to be
8 heard, the Chair shall allow a maximum of
9 two (2) minutes. Additional comments may be
10 presented in writing.

11 | HL. Public Hearings on Specific Topics

12 The Board may schedule a meeting designed solely as a
13 public hearing on a specific document or proposal which is to
14 be the subject of later Board action, either to comply with
15 State statutes or to hear citizens on an issue of great public
16 interest. Persons desiring to address the Board at public
17 hearings shall follow and be governed by the procedures for a
18 special Board meeting.

19 | JM. Conference Sessions/Workshops of the Board

20 Citizens may be heard at any conference session or workshop
21 for a specified amount of time that the Board determines in
22 advance of the session or at the beginning of the session.

23 | KN. ~~Quasi-Judicial Proceedings~~
24 ~~Suspension, Dismissal or other~~
25 ~~Discipline of Personnel and/or Expulsion or Assignment of~~
~~Students~~

26 Board actions at every stage of proceedings for the
27 suspension, dismissal or other discipline of staff members,
28 charter school terminations/nonrenewals and for the
29 expulsion or assignment of specific students, are quasi-
30 judicial proceedings conducted pursuant to Board Policy
31 0133, in nature, and the Board's decisions in these cases
32 should be free of improper and extraneous comment.
33 Citizens ~~will~~shall not be heard in such these cases, except in
34 unusual circumstances determined and approved by majority
35 vote of Board members present at the meeting. All aspects of
36 student expulsion proceedings shall be closed to the public

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pursuant to F.S. 1006.07(1)(a), unless the parents elect to have the hearing held in compliance with the Sunshine Law.

LO. Tape or video recordings are permitted under the following conditions:

1. No obstructions are created between the Board and the audience.
2. No interviews are conducted in the meeting room while the Board is in session.
3. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session.