

Office of Superintendent of Schools
Board Meeting of July 12, 2017

June 27, 2017

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

**SUBJECT: INITIAL READING: PROPOSED AMENDMENT TO BYLAW 0165.1,
 AGENDAS**

COMMITTEE: PERSONNEL SERVICES AND STUDENT AND SCHOOL SUPPORT

**LINK TO
STRATEGIC
BLUEPRINT: INFORMED, ENGAGED AND EMPOWERED STAKEHOLDERS**

At its regular Board meeting on June 21, 2017, the Board approved Revised Agenda Item H-11 (Board Member Items), sponsored by Ms. Lubby Navarro, Board Member, authorizing the Superintendent to initiate rulemaking to “formalize the review and approval by the School Board Attorney, as to form and legal sufficiency, of all School Board member action items and/or resolutions seeking a call to action, prior to presentation of these items at the appropriate School Board Committee meetings.” Previously, the Board had engaged in a six (6) month pilot program beginning in January, 2017, that had been proposed by Ms. Navarro, in which these items were voluntarily submitted to the Board Attorney for review. The School Board Attorney reported that over 60% of Board member agenda items were submitted for attorney review during that period.

This item requests that the process be formalized into Bylaw 0165.1, *Agendas*, and that the pilot program continue through the duration of the rulemaking process.

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

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Board Bylaw 0165.1, *Agendas*.

RECOMMENDED: That the School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Board Bylaw 0165.1, *Agendas*, and that the pilot program continue through the duration of the rulemaking process.

G-2

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 12, 2017, its intention to amend Board Bylaw 0165.1, *Agendas*, at its regular meeting on September 6, 2017.

PURPOSE AND EFFECT: To amend Bylaw 0165.1, *Agendas*, to formalize the review and approval by the School Board Attorney, as to form and legal sufficiency, of all School Board member action items and/or resolutions seeking a call to action, prior to presentation of these items at the appropriate School Board Committee meetings

SUMMARY: In January, 2017, the Board engaged in a six-month pilot program in which Board members could submit Board member agenda items and/resolutions seeking a call to action to the Board Attorney's office for review as to form and legal sufficiency. The Board Attorney reported that over 60% of the Board member items were submitted to the Board Attorney's office for review during that time. This item seeks to formalize the program into policy.

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

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 1001.43(10), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING on September 6, 2017, 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 August 7, 2017, 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, F.S.

COPIES OF THE PROPOSED AMENDED POLICY 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.

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MEETINGS

2 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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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 (1) named sponsor, heading, Board committee designation, link to strategic plan, subject, explanation, recommended action, and any required attachments.

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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. Any holder agenda item, except those for information, resolutions, endorsements, and proclamations, that is not completed and submitted at least two (2) days before the Board committee meetings and no later than seven (7) days before the Board meeting shall not be published and the Board may not take action on the item.

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

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

23 C. Agenda Changes

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

30 D. Co-Sponsorship of Board Member Agenda Items

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

1 Board members may also express their desire to co-sponsor
2 an item at the regular meeting in which the item is presented
3 for Board approval. If co-sponsorship is requested at a Board
4 meeting, the Board shall treat the request pursuant to
5 Robert's Rules of Order as a motion to amend the item to
6 indicate the co-sponsorship(s).

7 Board members may only co-sponsor other Board members'
8 regular Board meeting agenda items. Co-sponsorship of
9 another Board member's recognition, resolution, endorsement
10 or proclamation will be counted towards the co-sponsoring
11 member's two (2) item limit for these types of agenda items as
12 described in Policy 0165.

13 E. Consent Agenda

14 At the beginning of regular Board meetings, the Chair will call
15 for items which the Board members would like to address and
16 announce those items. The items not selected by Board
17 members to address constitute the consent agenda. The
18 Chair shall call on speakers who have signed up to speak to
19 those items pursuant to Board Bylaw 0169.1, Public
20 Participation, and provide them the opportunity to speak.
21 The Chair will then call for a vote on the consent agenda.
22 Rule-making items on which a public hearing has been timely
23 requested pursuant to Bylaw 0131 may not be approved on
24 consent.

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F. Distribution of the Agenda

1. School Board Members

The agenda of regular meetings shall be distributed to members of the Board and the student advisor at least seven (7) days in advance of the meeting date. Copies also will be made available to the Board members' administrative assistants. The final versions of all items and all relevant agenda related material and back-up documentation must be presented to Board members at least two (2) days before the Board committee meetings. This requirement shall not apply to items dealing with personnel appointments and assignments, matters that are not appropriate for review by Board committees, and items presented at special or emergency meetings of the Board.

2. Administrative Staff and Recognized Employee Organizations

The Superintendent shall determine the administrative staff of the school system to whom the agenda for regular and special meetings of the Board will be distributed in advance of the meetings and shall distribute the agenda to employee organizations as provided for in the collective bargaining agreements with approved bargaining units.

3. Individuals and Community Organizations

a. A copy of the agenda may be examined and/or obtained by an interested person at the Citizen Information Center after the agenda is published.

For news media representatives, the County Council PTA/PTSA Executive Board, the Miami-Dade County Association of Student Government Presidents, and other governmental education-related community organizations, copies of the agenda will be made available at no cost through the Citizen Information Center. Requests for other distribution may be made by the Superintendent or any Board member.

