

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.

**Revised  
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

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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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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 shall submit Board member } Revised  
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.

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.

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

1 b. A copy of the agenda also will be available at the  
2 Citizen Information Center prior to and during  
3 Board meetings.

4 c. The agenda may be accessed via the Board's  
5 website.

6 G. Distribution of Agenda-related Supplemental Materials and  
7 Documents

8 1. Board Members

9 Prior to each meeting of the Board, the Superintendent  
10 will distribute to each Board member and the student  
11 advisor supporting materials and documents prepared  
12 to accompany the items which are included on the  
13 agenda. The final versions of all items, along with all  
14 relevant agenda related material and back-up  
15 documentation must be presented to Board members  
16 at least two (2) days before the Board committee  
17 meetings. Copies of the supporting materials and  
18 documents also will be made available to the  
19 administrative assistants to the members of the Board.

20 2. Administrative Staff and Recognized Employee  
21 Organizations

22 The document containing supplemental materials to  
23 the agenda will be distributed to the administrative  
24 staff of the school system as determined by the  
25 Superintendent. The Superintendent shall distribute  
26 this document to employee organizations as provided  
27 for in the collective bargaining agreements with  
28 approved bargaining units.

29 The distribution of this document, though, shall be  
30 kept to an absolute minimum because of the expense  
31 involved in preparing copies of all documents and  
32 materials.

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

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

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

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

23                                Revised 4/17/13  
24                                Revised 10/16/13  
25                                Revised 6/18/14