

Office of Superintendent of Schools
Board Meeting of September 6, 2017

August 23, 2017

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

**SUBJECT: FINAL 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 July 12, 2017, the Board approved Revised Agenda Item G-2 (Board Member Items), 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, Board Member, 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*.

The Notice of Intended Action was published in the *Miami Daily Business Review* on July 17, 2017, and posted in various places for public information and mailed to various organizations representing persons affected by the new and amended policies and to individuals requesting notification. The time to request a hearing or protest the adoption of this amendment has elapsed.

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.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt the proposed amendment to Board Bylaw 0165.1, *Agendas*, and authorize the Superintendent to file the amended policy with the School Board of Miami-Dade County, Florida, to be effective September 6, 2017.

G-1

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 102, 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 shall 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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b. A copy of the agenda also will be available at the Citizen Information Center prior to and during Board meetings.

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

G. Distribution of Agenda-related Supplemental Materials and Documents

1. Board Members

Prior to each meeting of the Board, the Superintendent will distribute to each Board member and the student advisor supporting materials and documents prepared to accompany the items which are included on the agenda. The final versions of all items, along with 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. Copies of the supporting materials and documents also will be made available to the administrative assistants to the members of the Board.

2. Administrative Staff and Recognized Employee Organizations

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

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.

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