

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:     INITIAL READING: PROPOSED AMENDMENT TO BYLAW 0169.1,  
                  PUBLIC PARTICIPATION AT BOARD MEETINGS**

**COMMITTEE: PERSONNEL SERVICES AND STUDENT AND SCHOOL SUPPORT**

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

At its regular Board meeting on August 9, 2017, the Board unanimously approved Board Agenda Item H-8 (Public Participation), sponsored by Ms. Lubby Navarro, Board Member, authorizing the Superintendent to initiate rulemaking to amend School Board Policy 0169.1, *Public Participation at Board Meetings*, to require speakers to provide their correct legal name when signing up to speak at Board meetings. Failure to provide accurate information will preclude the person from addressing the Board.

This item requests authorization for Bylaw 0169.1, *Public Participation at Board Meetings* to be amended to require persons signing up to speak to the Board to use their legal name.

Attached are the Notice of Intended Action and the proposed bylaw amendments. 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 0169.1, *Public Participation at Board Meetings*.

**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 0169.1, *Public Participation at Board Meetings*.

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on September 6, 2017, its intention to amend Board Bylaw 0169.1, *Public Participation at Board Meetings*, at its regular meeting on October 11, 2017.

**PURPOSE AND EFFECT:** To amend Bylaw 0169.1, *Public Participation at Board Meetings*, to require speakers to provide their correct legal name when signing up to speak at Board meetings. Failure to provide accurate information will preclude the person from addressing the Board.

**SUMMARY:** Amendments to School Board Bylaw 0169.1, *Public Participation at Board Meetings*, will require speakers to provide their correct legal name when signing up to speak at Board meetings. Failure to provide accurate information will preclude the person from addressing the Board.

**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 October 11, 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 October 2, 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

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0169.1

### **Public Participation at Board Meetings**

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

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The Chair shall be guided by the following rules:

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

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B. Individuals who wish to be heard by the Board on a topic which is not on the agenda for the meeting shall be scheduled for an appearance only at the public hearing during the regularly scheduled Board meeting each month. The purpose of the public hearing portion of the Board meeting, however, is to allow the public to address general matters within the Board's jurisdiction and not for resolving individual grievances or disputes. Although the Board will not take official action on any public hearing presentation, staff may be requested, if appropriate, to take a speaker aside and respond to his/her concerns.

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C. Citizens who wish to speak to a topic on the agenda may be scheduled to appear at any Board meeting for which the topic is listed as an item.

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- 1 D. Any person who wishes to address the Board, prior to  
2 addressing the Board, must complete a District authorized  
3 speaker form with the speaker's correct legal name and must  
4 disclose whether the speaker has pending litigation against or  
5 involving the School District or Board, has filed a notice of  
6 claim against the Board, or has a pending employee  
7 grievance, administrative appeal, or any other litigation  
8 against or involving the Board. The disclosure is only  
9 required if the speaker intends to address these matters  
10 during the meeting. Speakers must also disclose on the  
11 speaker form whether they are a lobbyist as defined by Policy  
12 8150. A person's failure to provide accurate information on  
13 the form will preclude the person from addressing the Board.
- 14 E. Where a large number of individuals have signed up to speak  
15 according to this policy, the individuals may select a group  
16 spokesperson to address the Board on behalf of those  
17 individuals.
- 18 F. Citizens scheduled to speak shall be called by the Chair at  
19 the appropriate time during the meeting. Each individual  
20 shall state for the record their name, address, (the address  
21 may be given orally or in writing, at the speaker's option),  
22 organization or persons represented and whether s/he is  
23 being compensated for the appearance. Substitutions for  
24 scheduled speakers will not be allowed except in exceptional  
25 circumstances as determined by the Chair.
- 26 G. Decorum:
- 27 The following provisions are designed to promote the orderly  
28 and efficient conduct of public meetings and not to regulate  
29 speaker content beyond the limits allowed by law.
- 30 1. Citizen's remarks should be directed to the presiding  
31 officer or the Board as a whole and not to individual  
32 Board members. Speakers may not address Board  
33 members by name and personal attacks against  
34 individual Board members, the Board as a whole, the  
35 Superintendent, or District staff are prohibited.

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2. Speakers commenting on agenda items shall confine their comments solely to the agenda item being discussed. During the public hearing, speakers must limit their remarks to matters related to the business of the District. Unless it is an agenda item, speakers are prohibited from discussing their own pending court cases and filed claims or complaints against the District or District personnel. Similarly, employees are prohibited from discussing any disciplinary matter that affects them individually unless it is an agenda item.
3. Speakers may not use any form of profanity or loud abusive comments.
4. Any action or noise that causes or creates an imminent threat of a disturbance or disruption, including but not limited to, clapping, applauding, heckling, shouting comments from the audience, or verbal outbursts in support or opposition to a speaker or his/her remarks is prohibited. No signs or placards shall be allowed in the Board meeting. Persons exiting the Board meeting shall do so quietly.
5. The Chair may notify and warn speakers that their comments have gone beyond the subject matter for which they had signed up to address, address matters that are not related to the business of the School District, constitute personal attacks on individuals or otherwise violate this policy.
6. The Chair may turn off the microphone or recess the meeting if a speaker persists in addressing irrelevant topics or engaging in personal attacks. The Chair has the authority after one warning to order the removal of the speaker from the meetings.



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- 1 J. The Board may prohibit public participation on official acts  
2 that must be taken to deal with an emergency situation  
3 affecting the public health, welfare, or safety, if allowing  
4 public speakers would cause an unreasonable delay in the  
5 ability of the Board to act. The Board may also prohibit  
6 public participation on ministerial acts, including but not  
7 limited to, approval of Board minutes and bid-opening lists.  
8 The Board may allow public comment on ceremonial  
9 proclamations and resolutions.
- 10 K. Whenever a public speaker's comments raise legal issues that  
11 may adversely impact the Board, the Board's parliamentarian  
12 may provide a verbal instruction or guidance to the Board.
- 13 L. Scheduled Public Hearings
- 14 1. To appear under "Scheduled Public Hearings," citizens  
15 must present a written request to the Superintendent  
16 no later than 4:30 p.m. of the Monday preceding a  
17 regular Wednesday Board meeting. Forms to be used  
18 in submitting these requests are available at all Region  
19 Offices, the Office of Citizen Information at the Board  
20 Administration Building, and on the District website.  
21 The request shall contain the following information:
- 22 a. correct legal name, address and telephone  
23 number of person who is to appear;
- 24 b. organization or persons represented and  
25 whether the person to appear is being  
26 compensated; and
- 27 c. topic to be presented.
- 28 2. The Superintendent shall provide to each Board  
29 member a list of the persons scheduled to speak.

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3. Any one speaker or spokesperson for a group shall be permitted to speak no more than three (3) minutes at the Scheduled Public Hearings no matter how many issues that individual addresses, nor more than a total of ten (10) minutes during the Board meeting, (including time on agenda items and, later, on consent or non-agenda items), except in unusual circumstances determined and approved by unanimous vote of Board members present at the meeting. If a speaker signs up to speak to an item passed on consent or a non-agenda item, then the speaker will be given additional time during the public hearing that the speaker would have been given had they addressed the item during the regular meeting, provided such additional time does not exceed a total of ten (10) minutes for the entire meeting.
4. Speakers may not refuse to yield the podium when the Chair has advised that their time is up.
5. The total time allotted for the public hearing shall not exceed one and one-half (1 1/2) hours. The time limit on the public hearing portion of the regular Board meeting may be extended by a majority vote of the Board.
6. Pursuant to the rules of parliamentary procedure, the Board may reconsider any item that passed on consent during the scheduled public hearing.
7. Speakers will be recognized in the order the requests were received.
8. Any person who feels that the subject matter has not been adequately covered in the time allotted may present additional information in writing.



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- 1 M. Procedures when not scheduled under Scheduled Public  
2 Hearings
- 3 1. A person in this category seeking consent to speak  
4 must submit, either before or during the meeting, a  
5 written request to the Board Chair.
- 6 2. The request must state the person's correct legal name,  
7 address, and subject.
- 8 3. Board members present at the meeting must vote by a  
9 majority for the person to be heard.
- 10 4. If the request is approved, the Board Chair shall allot  
11 the individual a maximum of three (3) minutes time.
- 12 N. Appearances on Board Agenda Items
- 13 1. Procedures to be scheduled under "Requests to Speak  
14 to Agenda Items"
- 15 a. Any person who wishes to address the Board on  
16 an item or items on the agenda may be  
17 scheduled under "Requests to Speak to Agenda  
18 Items" by presenting a written request to the  
19 Superintendent. In the case of a special Board  
20 meeting, the deadline shall be noon on the last  
21 business day preceding the date of the meeting.

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

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

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

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

b. Receive approval to be heard by a majority vote of Board members present at the meeting and voting.

c. The presiding officer may designate a particular time prior to Board action on the agenda item for such persons to be heard.



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- 1 R. Tape or video recordings are permitted under the following  
2 conditions:
- 3 1. No obstructions are created between the Board and the  
4 audience.
- 5 2. No interviews are conducted in the meeting room while  
6 the Board is in session.
- 7 3. No commentary, adjustment of equipment, or  
8 positioning of operators is made that would distract  
9 either the Board or members of the audience while the  
10 Board is in session.  
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12 Revised 6/18/14  
13 Revised 9/9/15

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