

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

SUBJECT: FINAL **READING: TO AMEND BOARD POLICIES 0165.1, AGENDAS AND 0171, REVIEW OF POLICY**

COMMITTEE: **FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS**

LINK TO STRATEGIC BLUEPRINT: **EFFECTIVE & SUSTAINABLE BUSINESS PRACTICES**

At its regular meeting on March 13, 2019, the Board approved Agenda Item G-2 (Board Policy Review), originally sponsored by Ms. Lubby Navarro and unanimously co-sponsored by the Board, authorizing the Superintendent to initiate rulemaking proceedings to require the review and approval by the Board Attorney as to form and legal sufficiency of all agenda items recommending that a Board policy be amended or seeking the establishment of a new policy, prior to consideration by the Board.

This item proposes to amend Board Policies 0165.1, *Agendas*, and 0171, *Review of Policy*, to add language requiring the Superintendent to submit all agenda items recommending Board policy amendments or new policies to the School Board Attorney's Office, for both initial and final reading, for review and approval as to legal sufficiency prior to agenda publication. A minor change is also made to the provision requiring legal review for Board member agenda items in order to conform to current practice and the proposed amendment in this item.

The Notice of Intended Action was published in the *Miami Daily Business Review* on March 18, 2019, and posted in various places for public information and mailed to various organizations representing persons affected by the amended Policies and to individuals requesting notification. The time to request a hearing or protest the adoption of these amendments has elapsed.

Attached are the Notice of Intended Action and policy amendments. 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 amendments to Board Policies 0165.1, *Agendas*, and 0171, *Review of Policy*, and authorize the Superintendent to file the amended policies with The School Board of Miami-Dade County, Florida, to be effective April 17, 2019.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on March 13, 2019, its intention to amend Board Policies 0165.1, *Agendas*, and 0171, *Review of Policy*, at its regular meeting on April 17, 2019.

PURPOSE AND EFFECT: Board Policies 0165.1, *Agendas*, and 0171, *Review of Policy*, are proposed to be amended to add language requiring the Superintendent to submit all agenda items recommending Board policy amendments or new policies to the School Board Attorney's Office, for both initial and final reading, for review and approval as to legal sufficiency prior to agenda publication.

SUMMARY: Board Policies 0165.1, *Agendas*, and 0171, *Review of Policy*, are proposed to be amended to add language requiring the Superintendent to submit all agenda items recommending Board policy amendments or new policies to the School Board Attorney's Office, for both initial and final reading, for review and approval as to legal sufficiency prior to agenda publication.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41 (1); 1001.42(28); 1001.49(3); F.S.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 1001.42(28); 1001.49(3); F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF April 17, 2019, 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 April 8, 2019, 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)

COPIES OF THE PROPOSED AMENDED POLICIES 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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The Superintendent shall submit all agenda items recommending that a Board policy be amended or a new policy be adopted, for both initial and final reading, to the

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1 | Board Attorney's Office for review and approval as to form
2 | and legal sufficiency prior to agenda publication.

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

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

26 C. Agenda Changes

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

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1 D. Co-Sponsorship of Board Member Agenda Items

2 Board members may co-sponsor another Board member's
3 agenda item after it has been published by publicly
4 expressing their desire to co-sponsor the item at the Board
5 committee meeting prior to the Board meeting in which the
6 item will be considered. If the prime sponsor accepts the
7 co-sponsor(s), the prime sponsor will revise and resubmit the
8 item with the addition of the co-sponsor(s).

9 Board members may also express their desire to co-sponsor
10 an item at the regular meeting in which the item is presented
11 for Board approval. If co-sponsorship is requested at a Board
12 meeting, the Board shall treat the request pursuant to
13 Robert's Rules of Order as a motion to amend the item to
14 indicate the co-sponsorship(s).

15 Board members may only co-sponsor other Board members'
16 regular Board meeting agenda items. Co-sponsorship of
17 another Board member's recognition, resolution,
18 endorsement, or proclamation will not be counted towards
19 the co-sponsoring member's one (1) item limit for these types
20 of agenda items as described in Policy 0165.

21 E. Consent Agenda

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

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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. Agenda items requiring
12 non-substantive revisions only, such as typos and
13 grammatical errors, may be distributed within the
14 two (2) day distribution period. This requirement shall
15 not apply to items dealing with personnel
16 appointments and assignments, matters that are not
17 appropriate for review by Board committees, and items
18 presented at special or emergency meetings of the
19 Board.

20 2. Administrative Staff and Recognized Employee
21 Organizations

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

29 3. Individuals and Community Organizations

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

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- 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. Agenda items requiring non-substantive
27 revisions only, such as typos and grammatical errors,
28 may be distributed within the two (2) day distribution
29 period. Copies of the supporting materials and
30 documents also will be made available to the
31 administrative assistants to the members of the Board.

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2. Administrative Staff and Recognized Employee Organizations
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- 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.
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- 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.
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3. For news media representatives, the County Council PTA/PTSA Executive Board, the Miami-Dade County Association of Student Government Presidents, and other governmental and education-related community agencies, copies of the supplemental materials will be made available to them at no cost through the Citizen Information Center. The distribution of these materials shall be kept to an absolute minimum because of the expense involved in preparing copies of all documents and materials.
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- A copy of these materials will be available at the Citizen Information Center prior to and during Board meetings.
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- H. The Board shall transact business according to the agenda prepared by the Superintendent and submitted to all Board members in advance of the meeting. The order of business may be altered by a majority vote of the members present and items added for good cause as determined by the Chair.

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- 1 I. The agenda for special meetings called by the Superintendent,
2 or by the Superintendent on request of the Board Chair, or on
3 the request of a majority of the Board members, shall be
4 prepared upon the calling of the meeting but not less than
5 forty-eight (48) hours prior to such a meeting.
- 6 Revised 4/17/13
7 Revised 10/16/13
8 Revised 6/18/14
9 Revised 9/6/17
10 Revised 4/25/18

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DUTIES

2 0171

Review of Policy

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The School Board shall periodically complete a comprehensive review of its policies and update them as necessary to comply with existing law and practices. Upon completion of this review, the Superintendent will recommend to the Board any necessary revisions.

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The Superintendent shall also recommend to the Board revisions to current policies or new policies as often as necessary.

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All such revisions and additions to Board policies shall comply with the Administrative Procedures Act.

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The Superintendent shall submit all agenda items recommending that a Board policy be amended or new policy adopted, for both initial and final reading, to the Board Attorney's Office for review and approval as to form and legal sufficiency prior to agenda publication.

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F.S. 1001.41(1), (2), (3)
F.S. 1001.43(10)
F.S. 1001.49(3)

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Revised 3/15/17

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