

Dr. Lawrence S. Feldman, Board Member

Co-Sponsors: Ms. Perla Tabares Hantman, Chair
Dr. Martin Karp, Vice Chair
Dr. Dorothy Bendross-Mindingall
Dr. Steve Gallon III
Ms. Lubby Navarro
Dr. Marta Pérez
Ms. Maria Teresa Rojas

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SUBJECT: BOARD POLICY 0166, *NON-PUBLIC MEETINGS*

COMMITTEE: FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS

LINK TO STRATEGIC BLUEPRINT: INFORMED, ENGAGED AND EMPOWERED STAKEHOLDERS

Board Policy 0166, *Non-Public Meetings*, authorizes the School Board to meet in confidential exempt meetings pursuant to state law, under five distinct categories: Attorney-Client Sessions (pending litigation); Risk Management Sessions; Executive Sessions (collective bargaining); Public-Private Partnerships and Unsolicited Proposals, and Security Meetings. As permitted by law, these meetings generally provide an opportunity for the Board and Administration to address confidential matters in a closed session. During these meetings, sensitive information is exchanged and Board Member guidance is sought to assist the Superintendent or School Board Attorney in making determinations that often affect critical budget, bargaining, and policy decisions.

Each of the aforementioned categories provides a description of the general nature and/or subject matter of the meeting and the applicable Sunshine Law requirements. However, none of the categories delineate the requisite procedures for establishing and considering minimal thresholds for Board Member's intent to attend the meetings in order to select the most optimal dates for these meetings.

The aforementioned omission is of concern since these non-public meetings typically deal with matters of substantial significance, and as such, optimized Board Member attendance at these meetings would be desirable. Accordingly, a specified process for selecting meeting dates that facilitate the participation of as many Board Members as possible should be considered. Existing policy guidance can assist in clarifying the procedures for polling and determining meeting dates. Policy 0165, *Public Meetings*, Section G, Workshops, outlines such a process for the scheduling of School Board workshops, and provides that:

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Only after a minimum of six (6) Board members, upon being polled by the Chair through his/her designee, have advised of their intent to attend a workshop on a given date, shall the workshop be scheduled, noticed, and advertised. Once the workshop is advertised, noticed, and the meeting is conducted in accordance with the requirements of this rule and with any applicable provisions of the Sunshine Law, the workshop may be held even if a quorum is not present.

This current policy, as cited above, outlines a fair process in establishing meeting dates after ensuring that a super majority of Board Members intend to attend the proposed workshop. This agenda item proposes an amendment to Policy 0166 *Non-Public Meetings* that would delineate a process to inform the scheduling of these critical meetings, which replicates the process currently outlined in School Board Policy 0165 *Public Meetings*. Further, the policy amendment should also address consideration for providing no less than two optional dates for these meetings when polling Board Members.

This item has been reviewed and approved by the School Board Attorney's office as to form and legal sufficiency.

**ACTION PROPOSED BY
DR. LAWRENCE S. FELDMAN:**

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking procedures, no later than the September 4, 2019 School Board meeting, in accordance with the Administrative Procedure Act, to amend Policy 0166 *Non-Public Meetings* to:

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- a) establish minimal requirements for anticipated Board Member attendance to inform the scheduling of non-public meetings, replicating those outlined in Policy 0165 *Public Meetings*; and
- b) include, as a requirement, the provision of proffering no less than two optional dates for these meetings when polling Board Members.