

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

SUBJECT: **FINAL READING: TO AMEND BOARD POLICY 6550, TRAVEL AND PER DIEM;
AND BYLAW 0166, NON-PUBLIC MEETINGS**

COMMITTEE: **FISCAL ACCOUNTABILITY AND GOVERNMENTAL RELATIONS**

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

At its regular meeting of July 24, 2019, the Board approved Agenda Item G-3 (Travel/Non-Public Meetings), authorizing the initiating of rulemaking proceeding to amend Policies 6550, *Travel and Per Diem*, and Bylaw 0166, *Non-Public Meetings*, to incorporate statutory requirements related to Board members' travel and other amendments for non-public meetings including polling requirements for scheduling these types of meetings.

Policy 6550, *Travel and Per Diem*, is proposed to be amended to require that all Board member travel outside the District that exceeds \$500 requires prior approval by the School Board to confirm that the travel is for official business of the District and complies with rules of the State Board of Education governing travel. In addition, any request for Board member travel outside the State must include an itemized list detailing all anticipated travel expenses, including, but not limited to, the anticipated costs of all items of travel, lodging, and subsistence. Immediately preceding a request, the public must have an opportunity to speak on the specific travel item. The statutory requirement is effective on July 1, 2019.

Bylaw 0166, *Non-Public Meetings*, is proposed to be amended to specifically add fire safety to the issues the Board may meet privately to discuss under confidential security and fire safety meetings and to provide authority for a confidential security and fire safety meeting to be convened by the Superintendent or the Board Chair. Bylaw 0166 is also proposed to be amended to provide that only after a minimum of six (6) Board members, upon being polled by the Chair, have advised of their intent to attend a non-public meeting on a given date, shall the meeting be scheduled. In addition, at least two optional dates for these meetings must be provided when polling Board members.

The Notice of Intended Action was published in the *Miami Daily Business Review* on July 29, 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 proposed 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, authorize the Superintendent to adopt proposed amendments to amend Policy 6550, *Travel and Per Diem*, and Bylaw 0166, *Non-Public Meetings*, and authorize the Superintendent to file the amended policy and bylaw with The School Board of Miami-Dade County, Florida, to be effective September 4, 2019.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 24, 2019, its intention to amend Policy 6550, *Travel and Per Diem*, and Bylaw 0166, *Non-Public Meetings*, at its regular meeting on September 4, 2019.

PURPOSE AND EFFECT: Proposed amendments to Policy 6550, *Travel and Per Diem*, will incorporate an amendment to Section 1001.39, F.S., requiring that all Board member travel outside the District that exceeds \$500 requires prior approval by the School Board to confirm that the travel is for official business of the District and complies with rules of the State Board of Education governing travel. Any request for Board member travel outside the State must include an itemized list detailing all anticipated travel expenses, including, but not limited to, the anticipated costs of all items of travel, lodging, and subsistence. Immediately preceding a request, the public must have an opportunity to speak on the specific travel item.

Bylaw 0166, *Non-Public Meetings*, is proposed to be amended to specifically add fire safety to the issues the Board may meet privately to discuss under confidential security and fire safety meetings and to provide authority for a confidential security and fire safety meeting to be convened by the Superintendent or the Board Chair. In addition, proposed bylaw amendments will require that only after a minimum of six (6) Board members, upon being polled by the Chair have advised of their intent to attend a non-public meeting on a given date, shall the meeting be scheduled. In addition, at least two optional dates for these meetings must be provided when polling Board members.

SUMMARY: Amendments to Policy 6550, *Travel and Per Diem*, are proposed to establish the new statutory Board member travel requirements in Section 1001.39, F.S. Bylaw 0166, *Non-Public Meetings*, is proposed to be amended to specifically add fire safety to the issues the Board may meet privately to discuss under confidential security and fire safety meetings and to provide authority for a confidential security and fire safety meeting to be convened by the Superintendent or the Board Chair. In addition, proposed policy amendments will require that only after a minimum of six (6) Board members, upon being polled by the Chair have advised of their intent to attend a non-public meeting on a given date, shall the meeting be scheduled. In addition, at least two optional dates for these meetings must be provided when polling Board members.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41 (1), (2); 1001.43(2), (5), (10); F.S.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 119.071(3)(a); 281.301; 286.0113(1)112.061; 1001.39; F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF September 4, 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 August 19, 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 POLICY and BYLAW 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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1

TRAVEL AND PER DIEM

2 These travel policies apply to employees and authorized individuals eligible to be
3 reimbursed from either tax funds or an Internal Fund account for travel-related
4 expenses. Authorized individuals include School Board members, Board
5 administrative assistants, consultants, Title I parents, and chaperones of student
6 travel. If the person to be reimbursed for travel expenses from tax funds is a Board
7 employee, the Payroll Department will process the reimbursement. Individuals who
8 are not Board employees (no employee number) will be reimbursed by the Accounts
9 Payable Department.

10 The Payroll department shall have the authority to deny travel advance privileges to
11 individuals or departments that fail to properly or promptly submit Travel Expense
12 Reports. The Payroll Department shall have the authority to disallow any and all
13 expenses not consistent with Florida law and Board policies.

14 Procedures relating to Travel are contained in the Travel Procedures Manual issued
15 by the Office of the Controller – Payroll Department.

16 All requests for reimbursement of travel expenses shall be reasonable, customary,
17 and ordinary for the type of trip taken. The greatest possible economy shall be
18 obtained by avoiding unnecessary travel and joint travel by authorized travelers in a
19 single vehicle whenever feasible.

20 The Superintendent shall develop regulations providing the conditions and
21 requirements under which payment of travel expenses shall be made to implement
22 this policy, according to Florida statutes, Florida Department of Education rules,
23 Internal Revenue Regulations, and Board policies.

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Classification of Eligible Personnel

25 The following classifications of personnel shall be eligible for reimbursement for
26 travel expenses:

27 A. Board members, Superintendent, and Board Attorney;

28 B. administrative, supervisory and all other employees;

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- 1 C. employees representing the Superintendent and/or the Board on
2 official school business or employees whose regular assignment
3 necessitates travel from their official headquarters or post of duty on
4 school business;
- 5 D. employees authorized to attend conferences and conventions of
6 official educational agencies and of professional organizations;
- 7 E. authorized persons who are not employees of the school system.

8 **Eligible Travel**

9 Travel expenses will be approved for the following kinds of travel:

- 10 A. Travel within Miami-Dade County when it is part of official duties.
- 11 B. Travel outside of Miami-Dade County when:
 - 12 1. The authorized traveler has been assigned to perform official
13 duties or Board business elsewhere; or
 - 14 2. The authorized travel is attending conferences and
15 conventions of official educational agencies and of
16 professional organizations.

17 **Expenses for Travel within Miami-Dade County**

18 Employees whose duties for the school system require them to travel within the
19 county from their official headquarters or post of duty to other locations (Class C
20 travel) shall be reimbursed for travel in a privately owned vehicle on the basis of a
21 mileage allowance approved by the Superintendent.

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23 Board members shall be reimbursed from the members' residence for travel incurred
24 in the performance of a public purpose authorized by law to be performed by the
25 Board, including, but not limited to, attendance at regular and special Board
26 meetings.

27 A. Mileage Allowance

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29 Mileage allowance shall be computed at the Internal Revenue
30 Service Standard Mileage Rate effective upon publication by the
31 Internal Revenue Service for distances traveled on official business.
32 The rate per mile will be published by the Payroll Department

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1 annually, or as deemed necessary.

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After travel has been completed, the employee must prepare and submit the necessary forms for reimbursement.

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B. Per Diem or Meal and Lodging Allowance for approved Travel on Official Business within Miami-Dade County

Per diem or meal and lodging allowances may be paid as prescribed in this policy when the traveler is assigned on official business outside of regular office hours and away from regular places of employment where it is considered reasonable and necessary, meal allowances are involved and overnight lodging is required and it is approved by the Superintendent.

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Expenses for Travel Outside of Miami-Dade County

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A. Reimbursable expenses for authorized travelers are shown under the heading, "Travel expenses - computation guidelines". Employees authorized to travel outside of Miami-Dade County shall be reimbursed in whole or in part from Board funds in accordance with Board-adopted travel expense computation methods, and when paid from the Internal Fund accounts, shall be subject to all provisions set forth in the school, and in the Manual of Internal Fund Accounting for Elementary and Secondary Schools, Internal Fund/School Activities – Specific Procedures, incorporated by reference in policy if:

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1. the employee is assigned to perform official duties elsewhere, e.g., travel to recruit teachers;

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2. the employee is authorized to attend conferences or conventions of official educational agencies and of professional organizations.

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B. The following general regulations shall be applicable to travel of employees:

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1. Temporary Duty - Any employee in order to be eligible to have expenses paid for travel shall have completed in advance of such travel an approved Electronic Travel Approval/Reimbursement Request (TRVL).

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- 1 2. Representative of the Superintendent - Travel of an employee
2 as the representative of the Superintendent shall be approved
3 only by the Superintendent.

- 4 3. Maximum Expenses

- 5 a. Board members and the Superintendent, or designee,
6 may approve travel expenses up to a maximum of
7 \$3,500, excluding registration fees and tuition.

- 8 b. Administrators reporting directly to the Superintendent
9 may approve travel expenses for personnel under their
10 jurisdiction up to a maximum of \$2,500; however, the
11 Superintendent retains the sole authority of approving
12 the reimbursement of actual expenses exceeding the
13 \$2,500 limit to the maximum of \$3,500, excluding
14 registration fees and tuition.

- 15 c. Out-of-county trips estimated to exceed \$3,500 must
16 be approved by the Superintendent and the Board
17 before travel commences if reimbursement is expected
18 for the full amount.

- 19 d. If the business of the school system requires the
20 employee to visit more than one city, such as with
21 District recruiters, the total travel expense
22 reimbursement shall not exceed the maximum allowed
23 per trip for each city visited.

- 24 4. Approval Requirements

- 25 Travelers must obtain the proper approval prior to the
26 occurrence of the actual travel.

- 27 a. Board members: Individual Board members may
28 approve their own Request for Travel Expenses or
29 that of their administrative assistants- In addition,
30 any Board member travel outside the District that
31 exceeds \$500 requires prior approval by the Board
32 to confirm that the Board member's travel is for
33 official business of the District and complies with
34 rules of the State Board of Education. Any Board
35 member's request for travel outside the State must
36 be approved by the Superintendent and the Board.

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include an itemized list detailing all anticipated travel expenses, including, but not limited to, the anticipated costs of all items of travel, lodging, and subsistence. Immediately preceding a Board member's request for approval, the public must have an opportunity to speak on the specific travel agenda item.

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- b. Superintendent and Board Attorney: The Superintendent and Board Attorney may approve their own Request for Travel Expenses.
 - c. Assistant Board Attorneys: Approval by the Board Attorney is required.
 - d. Cabinet Members: Approval by the Superintendent, or designee, is required.
 - e. Senior Staff: Approval by the corresponding Cabinet member is required.
 - f. Principals: Approval by the Regional Center Superintendent is required.
 - g. Non-school site employees: Approval by the immediate supervisor and the corresponding administrator at the Assistant Superintendent level is required.
 - h. Assistant Principal/School site employees: Approval by the Principal is required.
5. Maximum Number of Employees
- a. The Superintendent may establish annually the maximum number of administrative, supervisory, or other employees to be approved to attend the same national or regional professional conference or convention.
 - b. One teacher in each teaching subject-area may be selected by each Regional Center Superintendent to attend a national meeting of the teacher's subject-area field.

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1 6. Reimbursement of Expenses by Other Agencies
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3 Employees who are requested or directed to attend
4 conferences or conventions sponsored by the Florida
5 Department of Education, or by other institutions or vendors,
6 may be approved for full expenses when such entities agree to
7 reimburse the Board in full.

8 **Reimbursement of Expenses**

9 Reimbursable expenses will not be paid from Board funds until after the authorized
10 traveler has returned from the trip, completed, and submitted to the Payroll
11 Department an approved Electronic Travel Approval/Reimbursement Request (TRVL)
12 with required supporting documents attached. Expense reports must be filed within
13 ten (10) days after travel is completed.

14 The following exceptions related to cash advances, direct payments to vendors for
15 meals and lodging in connection with travel and required advance registration fees,
16 shall be used infrequently and only with the express approval of the Superintendent:

17 A. Cash Advancements
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19 Cash advancements to authorized travelers on official business in
20 an amount not to exceed the estimated out-of-pocket reimbursable
21 expenses, which may not exceed the approved maximum, may be
22 authorized by the Superintendent. Authorized traveler shall submit
23 a final accounting with all necessary supporting documents within
24 ten (10) working days following return from official travel status.
25 The traveler must refund the amount of cash advancement
26 exceeding the approved actual expenses. Any balance due to the
27 traveler will be paid in the normal course of auditing and
28 reimbursement procedures.

29
30 If the traveler fails to comply with the ten (10) working days
31 requirement to submit a final accounting, the Payroll Department is
32 authorized to collect the cash advancements from the employee's
33 regular bi-weekly payroll payment.

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1 B. Travel Reimbursements to Non-Board Employees
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3 Direct reimbursement to non-Board employees (referred to as
4 "vendors" by Accounts Payable) for authorized Class A or Class B
5 travel, for meals, lodging, transportation and necessary incidental
6 expenses (excluding tips and gratuities), may be authorized by the
7 Superintendent not to exceed the established per diem or meal
8 allowances allowed by State law and Board policy. A final
9 accounting with all necessary supporting documents shall be
10 provided by the non-Board employee within ten (10) working days of
11 return from official travel status. Non-Board employee
12 reimbursements are paid by the Accounts Payable Department
13 through the issuance of a purchase requisition.

14 C. Advance Registration Fees
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16 Required advance registration fees for authorized travelers attending
17 seminars, training sessions, conferences, conventions or other
18 similar meetings requested by the administration may be paid from
19 Board funds, and a final accounting shall be made within ten (10)
20 working days following the return from official travel.

21 D. Travel Arrangements
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23 Required purchase of airline tickets for authorized travelers on
24 official Board business may be paid from Board funds. Travel
25 arrangements will be made by the employee utilizing existing
26 Internet providers, the employee's own travel agency, or the Board
27 approved travel agencies. When other than the Board approved
28 travel agencies are used, and before a reservation is made, the
29 employee must obtain two (2) complete lists of available airfares
30 from different sources, indicating the departing and destination
31 cities, as well as the cost of the airline ticket. The listings must be
32 attached to the reimbursement request. Acceptable listings can be
33 obtained from a travel agency or Internet providers.

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1 **Travel Expenses Not Authorized**

2 Travel expense reimbursement shall not be authorized for:

3 A. Any employee who received college credit for work done while in
4 attendance at a workshop, seminar, conference, or similar meeting.

5 B. Classroom teachers to attend subject-area meetings or conferences
6 unless the classroom teacher is authorized to attend such meeting
7 by the school principal.

8 C. Any employee to attend the annual convention of state professional
9 organizations, unless requested to attend by the administration for
10 work related business.

11 D. No tips or gratuities of any kind.

12 **Travel Expenses Paid from Grant Funds**

13 For travel paid with Federal funds, the travel authorization must include
14 documentation that demonstrates that (1) the participation in the event by the
15 individual traveling is necessary to the grant award, and (2) the costs are reasonable
16 and consistent with the Board's travel policy.

17 **Travel Expenses Paid from School Internal Fund Accounts**

18 Travel expenses paid from school Internal Fund accounts may be authorized under
19 the following conditions:

20 A. The Board approved method for transportation and per diem or meal
21 expenses/allowances shall be used in computing reimbursable
22 expenses for all such trips.

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1 B. Principals and other school administrators may attend any
2 recognized national, regional, or state professional group meetings
3 which deal with their respective school level, provided such travel is
4 authorized by the Regional Center. Any such travel expenditures
5 will be subject to all provisions in the Manual of Internal Fund
6 Accounting for Elementary and Secondary Schools, Internal
7 Fund/School Activities – Specific Procedures, incorporated by
8 reference in policy.

9 C. Coaches may attend out-of-state coaches' meetings. Only one full
10 reimbursement may be obtained by any one coach per fiscal year for
11 expenses. One other reimbursement for a similar approved trip
12 during the same fiscal year may be paid to any one coach provided
13 that the coach pays one-half of the expenses.

14 **Travel Expenses of Other Authorized Persons**

15 As provided by Florida statutes, travel expenses may be authorized from Board
16 funds for:

17 A. A person who contributes services as an advisor or consultant; or

18 B. A person who is a candidate for an executive or professional
19 position.

20 To be reimbursed for travel expenses, such persons must have been approved by the
21 Superintendent or designee and travel documents must be submitted to the
22 Accounts Payable Department which reflect a complete explanation and justification
23 of such expenses, in accordance with this rule.

24 **Computation Guidelines**

25 The following guidelines shall be used in computing reimbursement of travel
26 expenses for authorized travelers of the Board.

27 A. Transportation By Privately Owned Vehicle

28 1. The amount shall be the maximum provided by law for round
29 trip according to a current map of the Florida Department of

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1 Transportation. Necessary local vicinity travel shall be shown
2 separately on the voucher.

3 2. Necessary parking and storage fees; bridge, road, ferry, and
4 tunnel tolls (original receipt required).

5 3. Private vehicles should be shared whenever possible to
6 minimize travel costs. However, no traveler shall be entitled
7 to mileage or transportation expense when he/she is
8 gratuitously transported or transported by another traveler
9 who is entitled to mileage or transportation expense.

10 4. Reimbursement for use of private vehicles must not exceed
11 the most economical airfare when adequate air service is
12 available.

13 B. Transportation by Common Carrier

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15 Reimbursement is authorized for necessary travel accomplished by a
16 usually traveled route on common carrier (train, bus, commercial
17 airline operating scheduled flights, or rental car from an established
18 rental car agency) at the most economical rate, necessary taxi and
19 bus fares, and set charges for baggage handling (original receipts
20 required for all items mentioned). No tips or gratuities of any kind
21 shall be reimbursed.

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23 When expenses for airline tickets are being paid, an invoice or
24 statement clearly indicating the amount paid by the employee must
25 be attached to the reimbursement request.

26
27 Under no circumstances is an employee authorized to travel using a
28 private aircraft or a non commercial/non-registered seagoing vessel
29 while on official Board business.

30 C. Per Diem or Meals and Lodging Allowance for Out-Of-County Travel

31 1. For travel period extending overnight:

32 a. Class A travel - continuous travel of twenty-four (24)
33 hours or more away from official headquarters. Travel
34 periods are for a calendar day (midnight to midnight).

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- 1 extends beyond 2 p.m.
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3 Dinner allowance is when travel begins before 6 p.m. and
4 extends beyond 8 p.m., or when travel occurs during
5 nighttime hours due to special assignment.
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7 Meal reimbursements for non-overnight, out-of-county travel
8 (use Voucher for Reimbursement of Meals for Travel Not
9 Requiring an Overnight Stay - FM- 4557), are considered
10 taxable compensation to the employee or other authorized
11 traveler.
- 12 4. Reimbursement by a State or Local Institution
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14 When meals or lodging are to be reimbursed by a state or
15 local institution, the traveler shall be reimbursed the actual
16 costs of such items, not to exceed the maximum amounts
17 otherwise permitted.
- 18 5. Registration Fee
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20 Where a registration fee is charged for attending a conference,
21 convention, seminar, or similar type meeting, the expense of
22 such fee shall be allowed and shall be excluded from the
23 computation of the maximum allowable travel expense.
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25 If the cost of any meals is included as part of the registration
26 fee the allowance for meals must not be claimed or must be
27 deducted if the per diem method for meals and lodging is
28 used.
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30 When attending a conference, convention, seminar, or similar
31 type of meeting, an agenda must be included with the
32 reimbursement request.
- 33 6. Communications
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35 Reasonable and necessary communication expenses for
36 official business while on authorized travel status, such as
37 telephone, fax, mail, and other similar items, shall be
38 reimbursed when properly documented and supported by
39 paid receipt.

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1 7. Car Rental
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3 The car rental must be an economy-sized vehicle (i.e.,
4 compact car). If other than an economy-sized vehicle is
5 needed, written justification must be submitted.
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7 The employee’s supervisor should consider the following
8 guidelines before approving the use of a rental car:

- 9 a. A rental car is more cost-effective than other means of
10 ground transportation.
- 11 b. The amount of materials/equipment transported
12 precludes use of other ground transportation.
- 13 c. No other transportation is reasonably available at the
14 time(s)/location(s) required.

15 Use of a rental car shall be reimbursed when properly documented and supported
16 by paid receipt.

17 **Administrative Procedures**

18 The Superintendent is authorized to develop and implement a Manual of Travel
19 Procedures that describes the processes to implement this policy.

20 F.S. 112.061, 1001.39
21 F.A.C. 6A-1.056
22 2 C.F.R. 200.474

23 Revised 10/5/16

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1

MEETINGS

2 0166

Non-Public Meetings

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A. Attorney-Client Sessions

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The School Board and its attorneys may meet in private to discuss pending litigation to which the Board is presently a party under the following conditions:

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1. The Board Attorney shall advise the Board at a public meeting that s/he desires advice concerning the litigation. Alternatively, the Board Attorney may submit a written request for an attorney-client session to the Board Chair.

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2. The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

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3. The Board shall give reasonable public notice on the Board's website and a local newspaper of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending.

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4. The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the Clerk of the Board within a reasonable time after the meeting.
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5. At the conclusion of the attorney-client session, the meeting shall be reopened, and the person chairing the meeting shall announce the termination of the session.
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6. The transcript shall be made part of the public record upon conclusion of the litigation.
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7. Any discussions held during the attorney-client session and any materials presented at the session are confidential and may not be publicly disclosed, except as provided under Section 286.011(8), F.S.
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- B. Risk Management Sessions
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- The Board and its attorneys may meet in private to discuss the evaluation of claims filed with the risk management program or which relate solely to offers of compromise of claims filed with the risk management program. Until termination of all litigation and settlement of all claims arising out of the same incident, persons involved in discussions pertinent to the evaluation of a filed claim shall not be subject to subpoena in any administrative or civil proceeding with regard to the content of those discussions.

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1 All risk management sessions held between the Board, its
2 attorneys and members of the School District's Risk
3 Management department shall abide by the recording
4 requirements. The Board Attorney shall communicate the
5 need for a Risk Management session to the Chair of the Board
6 who shall determine the date the meeting will be held.

7 Risk management sessions do not require public notice. Any
8 discussions held during a risk management session and any
9 materials presented at the session are confidential and may
10 not be publicly disclosed until termination of all litigation and
11 settlement of all claims arising out of the same incident,
12 although portions of the claim files may remain exempt from
13 disclosure.

14 C. Executive Sessions

15 The Board may meet privately in confidential executive
16 session to discuss issues related to collective bargaining.

17 All work product developed by the Superintendent or the
18 Board in preparation for negotiations, and during
19 negotiations are confidential and exempt from Public Records
20 laws.

21 The Superintendent shall notify the Board of the need for an
22 executive session at the earliest practical date before the
23 session is scheduled.

24 Executive sessions of the Board do not require public notice,
25 but the memorandum setting the date, time and purpose of
26 the session may be publicly disseminated. Any discussions
27 held during an executive session and any materials presented
28 at the session are confidential, and may not be publicly
29 disclosed.

30 D. Public-Private Partnerships and Unsolicited Proposals

31 In accordance with Section 255.065, F.S., and Policy 6327,
32 *Public-Private Partnerships and Unsolicited Proposals*, any
33 portion of a meeting of the Board during which an unsolicited
34 proposal that is exempt is discussed is non-public. Board
35 meetings to discuss exempt unsolicited proposals shall be

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1 conducted in accordance with Policy 0166, *Non-Public*
2 *Meetings*, and called and noticed in the same manner as a
3 special meeting under Policy 0164, *Notice of Meetings*, and
4 Policy 0165, *Public Meetings*.

5 A complete recording must be made of any portion of an
6 exempt meeting. No portion of the meetings may be held off
7 the record. The recording of, and any records generated
8 during, the exempt meeting are exempt from Section
9 119.07(1), F.S., and Section 24(a), Art. I, Fl. Constitution,
10 until such time as the Board provides notice of an intended
11 decision for a qualifying project or 180 days after receipt of
12 the unsolicited proposal by the Board if the Board does not
13 issue a competitive solicitation for the project.

14 If the Board rejects all proposals and concurrently provides
15 notice of its intent to reissue a competitive solicitation, the
16 recording and any records generated at the exempt meeting
17 remain exempt from Section 119.07(1), F.S., and Section
18 24(a), Art. I, Florida Constitution, until the Board provides
19 notice of an intended decision concerning the reissued
20 competitive solicitation or until the Board withdraws the
21 reissued competitive solicitation for the project.

22 A recording and any records generated during an exempt
23 meeting are exempt for no longer than ninety (90) days after
24 the initial notice by the Board rejecting all proposals.

25 | E. Security and Fire Safety System Plan Meetings

26 | In accordance with Sections 119.071(3), 281.301, and
27 | 286.0113(1), F.S., ~~T~~the Board may meet privately in
28 | confidential session to discuss issues related directly to or
29 | that would reveal the security or fire safety systems plans for
30 | any property owned by or leased to the Board.

31 All documents related to the meeting that would reveal a
32 | security or fire safety system plan or portion thereof are
33 | confidential and exempt under Public Records laws.

34 | The Superintendent and/or the Chair of the Board shall
35 | notify the Board of the need for a confidential session to
36 | discuss security or fire safety system plans ~~issues~~ under this

bylaws

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1 section at the earliest practical date before the session is
2 scheduled. The Board may also convene a confidential
3 session under this section during any public meeting should
4 the need arise.

5 These meetings are exempt from the requirements of the
6 Sunshine law. No notice of the meeting or recording of the
7 meeting is required. Any discussion held during these
8 sessions and any materials presented are confidential and
9 may not be publicly disclosed.

10 F. Penalties for Violation of Confidentiality of Closed Sessions

11 All participants attending these non-public meetings must
12 maintain the confidentiality of the information provided and
13 may not disclose this information to the public. Disclosure of
14 confidential information may place the Board in a
15 disadvantageous position in either litigation or in collective
16 bargaining. In addition, disclosure of such confidential
17 information could be a violation of the Code of Ethics for
18 Public Officers and Employees as outlined under
19 Chapter 112, F.S. A complaint shall be filed, if deemed
20 appropriate, by the Ethics Advisory Committee with the
21 Florida Commission on Ethics against any individual who is
22 determined to have disclosed confidential information that
23 was provided solely at any attorney-client, risk management,
24 security or fire safety plan meeting, or executive session. The
25 Florida Commission on Ethics has the authority to make final
26 determinations with regard to such complaints. Participants
27 at these sessions are not precluded from using the
28 information provided in these sessions to fulfill the duties and
29 responsibilities of their assigned administrative positions.

30 G. Settlement Authority

31 Any settlements of civil cases that are reached as a result of
32 an attorney-client session and that are beyond the monetary
33 threshold afforded to the Board Attorney shall be presented to
34 the Board for approval. Settlements of tort cases that are
35 reached as a result of direction given at a risk management
36 session do not require Board authorization if they do not go
37 beyond the previously established monetary thresholds.

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1 H. Scheduling

2 The Board shall first consider Wednesdays to schedule all
3 meetings in which Board members are requested to attend,
4 recognizing that certain factors may impede consideration for
5 Wednesdays including, but not limited to, advertisements,
6 agenda publication deadlines, emergency meetings, annual
7 organizational meeting, legislatively mandated periods for
8 special meetings and budget public hearings, religious
9 holidays, previously scheduled calendared conflicts and
10 travel, legislative session, Dade Days, and graduations.

11
12 In addition, only after a minimum of six (6) Board members,
13 upon being polled by the Chair through his/her designee,
14 have advised of their intent to attend a non-public meeting on
15 a given date, shall the meeting be scheduled. At least two
16 optional dates for these meetings shall be proffered to Board
17 members when polling. Once the meeting has been
18 scheduled, the meeting may be held even if a quorum is not
19 present for all non-public meetings except those for exempt
20 meetings to consider public-private partnerships and
21 unsolicited proposals for which a quorum must be present to
22 conduct the meeting.

23 [F.S. 119.07, 119.071, 255.065, 281.301, 286.011, 286.0113](#)

24

25 Revised 6/18/14
26 Revised 1/25/17
27 Revised 4/17/19

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