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**SUBJECT: ADOPTION OF EMERGENCY POLICY 9140e, BOARD ADVISORY COMMITTEE MEETINGS DURING DECLARED COVID-19 EMERGENCY**

**COMMITTEE: FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS**

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

On March 9, 2020, the Governor of the State of Florida issued Executive Order 20-52, which declared a state of emergency as a result of COVID-19 Disease (novel Coronavirus) pandemic. The state of emergency has been extended by several Executive Orders (EO): EO 20-114, 20-166, 20-192, EO 20-276, 20-316, and most recently 2021-45, issued on February 26, 2021.

In addition, on March 19, 2020, the Florida Attorney General (AG) issued Opinion number 2020-03, citing several prior AG opinions, confirming that a government body could meet through virtual or teleconferencing means as long as a physical quorum is present.

In order to address the continuing threat of COVID-19, it is necessary during this state of emergency to allow Board Advisory Committee members, Board members, staff, and the public to attend Board Advisory Committee meetings virtually or through teleconferencing means as long as there is a quorum of Committee members physically present at the Committee meeting. Allowing advisory committees to meet through virtual means will assist in decreasing the threat posed by COVID -19 and will encourage the attendance of committee members who do not wish to attend in-person meetings during the pandemic.

This item is presented for the Board's consideration to adopt Emergency Policy 9140e, *Board Advisory Committee Meetings During Declared COVID-19 Emergency*. This emergency policy was previously approved by the Board at its meeting of February 10, 2021 and is scheduled to expire May 11, 2021. Adoption of this policy will continue the authority to waive or suspend Board policies that would prohibit participation by advisory committee members via telephonic or virtual means, even if a physical quorum is present at the publicly noticed physical location. Adoption of Emergency Policy 9140e will provide for the following:

- Permit advisory board members to participate in meetings virtually, so long as a physical quorum is present;
- Waive Board Policies prohibiting virtual participation in advisory board meetings;
- Require that adequate notice for the meeting be provided, including a means for the public to access the meeting; and

- Extend the effective period for an additional 90 days.

Attached are the Notice of Intended Action and the proposed emergency policy.

It is recommended that The School Board of Miami-Dade County, Florida, adopt the emergency policy, extending its effective period for an additional 90 days in order to protect the health, safety, and welfare of students, the general public, school district staff, and School Board members while efficiently conducting the business of the Board during advisory committee meetings held during the state of emergency. This policy is being submitted as an emergency adoption pursuant to the Florida Administrative Procedure Act, § 120.54(4), F.S. This emergency action is necessary in order to protect health, safety, or welfare during the ongoing COVID -19 pandemic.

Authorization of the Board is requested for the Superintendent to undertake emergency rulemaking proceedings in accordance with the Administrative Procedure Act to adopt emergency School Board Policy 9140e, *Board Advisory Committee Meetings During Declared COVID -19 Emergency*.

This item has been reviewed by the School Board Attorney for legal sufficiency.

**RECOMMENDED:**

That The School Board of Miami-Dade County, Florida:

- 1) find that the emergency policy is necessary because of the immediate danger caused by the COVID-19 pandemic; and
- 2) adopt Emergency School Board Policy 9140e, *Board Advisory Committee Meetings During Declared COVID -19 Emergency*, to be effective upon adoption and to remain in effect for 90 days.

## **NOTICE OF INTENDED ACTION TO ADOPT EMERGENCY POLICY**

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announces the adoption of emergency Board Policy 9140e, *Board Advisory Committee Meetings During Declared COVID-19 Emergency*, at its meeting of April 21, 2021.

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH AND WELFARE:** In order to protect public health and safety during the Covid-19 Disease (Coronavirus) pandemic affecting the state and nation and pursuant to the Governor's Declaration of State of Emergency and subsequent related Executive Orders and in accordance with local governments' limits on social gatherings and the social distancing guidelines issued by the Centers for Disease Control and Prevention.

**REASONS PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** Due to the immediate danger to public health, safety, or welfare requiring emergency action, the proposed emergency policy is presented for the Board's adoption to allow Board Advisory Committees to meet through the use of communications media technology, including teleconferencing and video-teleconferencing, as long as there is a physical quorum of Committee members present at the meeting. This emergency policy is necessitated by the immediate danger caused by the Covid-19 pandemic.

**PURPOSE AND EFFECT OF EMERGENCY POLICY:** In order to promote and protect the health safety and welfare of Committee members, the general public, school district staff, and School Board members. The proposed emergency policy includes the following provisions: permitting the Advisory Committee meetings to be held through communications media technology as long as there is a physical quorum present, and requiring that adequate notice for the meeting, including that a means for the public to access and participate in the meeting, be provided. This emergency policy will be in effect for ninety (90) days.

**SUMMARY:** Policy 9140e, *Board Advisory Committee Meetings During Declared COVID-19 Emergency*, permits Board Advisory Committees to meet through communications media technology as long as a physical quorum of Committee members is present at the meeting and requires adequate notice for the meeting, including that a means for the public to access the meeting, be provided.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** §§ 120.54(4); 120.81; 286.011; 286.0114; 1001.41; 1001.42; F.S.

**LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC:** §§ 1001.33; 1001.43, F.S.; Governor Executive Orders Number 20-52, 20-114, 20-166, 20-213, 20-276, and 20-316; Attorney General Opinion 2020-03 (March 19, 2020).

**DATE AND TIME OF EFFECTIVENESS:** Upon adoption on April 21, 2021.

**IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF** April 21, 2021, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132.

**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 EMERGENCY POLICY** are available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

## **9140e - Board Advisory Committee Meetings During Declared COVID-19 Emergency**

On March 9, 2020, the Governor of the State of Florida issued Executive Order (EO) 20-52 declaring a state of emergency for the entire state as a result of COVID-19 pandemic. The EO has been extended by EOs 20-114, 20-166, 20-192, EO 20-276, 20-316 and most recently 2021-45, issued on February 26, 2021.

In addition, on March 19, 2020, the Florida Attorney General issued AG Opinion 2020-03, citing several prior opinions, confirming that a government body could meet through virtual or teleconferencing means as long as a physical quorum is present.

In order to address the continuing threat of COVID-19, it is desirable during this state of emergency to allow Board Advisory Committee members, Board members, staff, and the public to attend Board Advisory Committee meetings virtually or through teleconferencing means as long as there is a quorum of Committee members physically present at the Committee meeting.

### **1. Virtual Meetings.**

In order to protect the health, safety, and welfare of our students, members of the public, staff and the Board, from the danger posed by COVID-19 pandemic, meetings of Board Advisory Committees during the state of emergency may be conducted by teleconferencing, video conferencing or other technological means as long as a quorum is physically present at the meeting and the meeting is held in a location accessible to the public.

### **2. Notice.**

Notice for any Board Advisory Committee meeting held during the COVID-19 emergency period shall be in accordance with Board Policy 9125, *Notice of District Advisory Committee Meetings*. The notice shall include the means or method by which the public attend the meeting or access the virtual meeting.

### **3. Public Access and Participation.**

The Superintendent shall make all necessary arrangements to allow for public access and participation in these meetings to the extent required by applicable law and policy. Such means will be specified in the Notice for the meetings.

### **4. Quorum.**

A physical quorum must be present for all Board Advisory Committee meetings and maintained throughout the meeting. Once a physical quorum is established, other Committee members, Board members, staff, and the public may participate virtually.

### **5. Meeting Location and Time.**

All Board Advisory Committee meetings must take place at a location and time that is accessible to the public in accordance with Board Policy 9125, *Notice of District Advisory Committee Meetings*.

### **6. Relationship to Other Policies.**

Any School Board Policy provisions relating to meetings that otherwise do not conflict with the provisions of this policy remain in full force and effect.

### **7. Duration of Policy.**

This policy becomes effective upon its emergency adoption and shall end ninety (90) days thereafter.

## Legal

F.S. 120.54(4)

F.S. 120.81

F.S. 286.011

F.S. 286.0114

F.S. 1001.41

F.S. 1001.42