

Office of the General Counsel  
Walter J. Harvey, General Counsel

**SUBJECT:** **FINAL READING: PROPOSED AMENDMENTS TO SCHOOL BOARD POLICIES 7510, USE OF DISTRICT FACILITIES, 9700, RELATIONS WITH SPECIAL INTEREST GROUPS, 0165.1, AGENDAS, 0166, NON-PUBLIC MEETINGS, AND 8660, TRANSPORTING STUDENTS BY PRIVATE VEHICLES**

**COMMITTEE:** **FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS**

**LINK TO STRATEGIC PLAN:** **EFFECTIVE & SUSTAINABLE OPERATIONAL PRACTICES**

Board Policies 7510, *Use of District Facilities*, and 9700, *Relations with Special Interest Groups*, are proposed for amendment pursuant to Board Agenda Item H-12 (Good Cause)(Rev.), *Review of School Board Policy 7510, Use of District Facilities*, sponsored by Board Chair, Ms. Perla Tabares Hantman, and approved by the Board at its regular meeting of September 7, 2022. Item H-7 directed the Superintendent to initiate a review of *School Board Policy 7510, Use of District Facilities*, and to initiate policymaking, as appropriate, to ensure cross-policy consistency and to ensure that the educational and public service mission of the School Board is observed in the rental of District facilities. Board Policies 7510, *Use of District Facilities*, and 9700, *Relations with Special Interest Groups*, are proposed for amendment to align them for consistency and ensure that the rental of Board-owned property is done in accordance with the educational and public service mission of the School Board and current District practices, as well as to incorporate prior Inspector General recommendations.

Board Policy 0165.1, *Agendas*, is proposed for amendment to align with the practice of numbering Board member items in the order in which they are received by the Board Office Manager, a position appointed by the Chair of the School Board.

Board Policy 0166, *Non-Public Meetings*, is proposed for amendment to update the policy pursuant to Florida Statutes, Section 119.0725, making certain cybersecurity information exempt from the public disclosure requirements of Florida Statutes, Sections 119.07(1), 286.011, and Section 24(a) and (b), Article I of the Florida Constitution. An exempt portion of a meeting may not be off the record and must be recorded and transcribed, however, the recording and transcript are confidential and exempt. The public records exemptions apply to information held by the School Board before, on, or after July 1, 2022. Amendments are also proposed to clarify the exemption for security and fire safety system plans and to delete reference to an exemption for information related to public-private partnerships and unsolicited

proposals that was repealed by the legislature.

Board Policy 8660, *Transporting Students by Private Vehicles*, is proposed for amendment to implement changes to federal regulations related to transportation of students in vehicles other than a school bus owned, operated, rented, contracted, or leased by the District. Such vehicles must be designed to transport fewer than ten (10) students or be a multifunction school activity bus, as defined by 49 C.F.R. § 571.3 if designed to transport more than ten (10) persons. The title of the policy is also recommended for revision for accuracy.

The Notices of Intended Action were published in the Miami Daily Business Review on October 24, 2022 and posted in various places for public information and mailed to various organizations representing persons affected by the adopted and amended Board policies and individuals requesting notification. The time to request a hearing or protest the adoption and amendment of these policies has elapsed.

The policy amendments were drafted in collaboration with, and reviewed by the Superintendent, Cabinet, and District staff. The Notice of Intended Action and proposed policy with strikethroughs and underlines are attached.

**RECOMMENDED:**

That The School Board of Miami-Dade County, Florida, amend Board Policies 7510, *Use of District Facilities*, 9700, *Relations with Special Interest Groups*, 0165.1, *Agendas*, 0166, *Non-Public Meetings*, and 8660, *Transporting Students by Private Vehicles*, and authorize the Superintendent to file the policies with The School Board of Miami-Dade County, Florida, to be effective December 14, 2022.

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 19, 2022, its intention to amend Board Policies 7510, *Use of District Facilities*, 9700, *Relations with Special Interest Groups*, 0165.1, *Agendas*, and 0166, *Non-Public Meetings*, at its meeting of December 14, 2022.

PURPOSE AND EFFECT: Board Policies 7510, *Use of District Facilities*, 9700, *Relations with Special Interest Groups*, 0165.1, *Agendas*, and 0166, *Non-Public Meetings*, are proposed for amendment to align them with recent legislation, current practice, and the educational and public service mission of the School Board.

SUMMARY: Board Policies 7510, *Use of District Facilities*, and 9700, *Relations with Special Interest Groups*, are proposed for amendment to align them for consistency and ensure that the rental of Board-owned property is done in accordance with the educational and public service mission of the School Board and current District practices, as well as to incorporate prior Inspector General recommendations. Board Policy 0165.1, *Agendas*, is proposed for amendment to align with the practice of numbering Board member items in the order in which they are received by the Board Office Manager, a position appointed by the Chair of the School Board. Board Policy 0166, *Non-Public Meetings*, is proposed for amendment to update the policy pursuant to Florida Statutes, Section 119.0725, making certain cybersecurity information exempt from the public disclosure requirements of Florida Statutes, Sections 119.07(1), 286.011, and Section 24(a) and (b), Article I of the Florida Constitution. An exempt portion of a meeting may not be off the record and must be recorded and transcribed, however, the recording and transcript are confidential and exempt. The public records exemptions apply to information held by the School Board before, on, or after July 1, 2022. Amendments are also proposed to clarify the exemption for security and fire safety system plans and to delete reference to an exemption for information related to public-private partnerships and unsolicited proposals that was repealed by the legislature.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: Fla. Stat. ss. 1001.41(1), (2); 1001.42(2), (11), (12).

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: Fla. Stat. ss. 1013.10; 1013.15; Fla. Stat. s. 119.0725; 282.318; 286.0113; Fla. Stat. ss. 1001.43(4), (5), (10).

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF December 14, 2022, 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 November 16, 2022, 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 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.

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 19, 2022, its intention to amend Board Policies 5131, *Student Transfers and Controlled Open Enrollment*, and 8660, *Transporting Students by Private Vehicles*, at its meeting of December 14, 2022.

PURPOSE AND EFFECT: Board Policies 5131, *Student Transfers and Controlled Open Enrollment*, and 8660, *Transporting Students by Private Vehicles*, are proposed for amendment to align them with recent legislation and current practice.

SUMMARY: Board Policy 5131, *Student Transfers and Controlled Open Enrollment*, is proposed for amendment to conform to changes required by SB 2524 (2022), amending Florida Statutes, Section 1002.31, *Controlled open enrollment; Public school parental choice*. The statutory changes now require each District capacity determination identified on the school district website(s) to be updated by grade level every 12 weeks. Additionally, each school district with a contract with an approved virtual instruction program provider shall determine capacity based upon the enrollment requirements established under Fla. Stat. s. 1002.45(1)(e)4. Furthermore, the statutory changes require the District to adopt and post on its website information on transportation options provided to students. The District is also required to maintain a waitlist of students who are denied access due to capacity and to notify parents when space becomes available. Students must be accepted at District schools throughout the school year as capacity becomes available. The proposed revisions also conform the policy to the repeal of F.S. 1002.39, *John McKay Scholarship for Students with Disabilities*, and adoption of F.S. 1002.394, *Family Empowerment Scholarship Program*. Board Policy 8660, *Transporting Students by Private Vehicles*, is proposed for amendment to implement changes to federal regulations related to transportation of students in vehicles other than a school bus owned, operated, rented, contracted, or leased by the District. Such vehicles must be designed to transport fewer than ten (10) students or be a multifunction school activity bus, as defined by 49 C.F.R. § 571.3 if designed to transport more than ten (10) persons. The title of the policy is also recommended for revision for accuracy.

Policy 5131 is re- presented for initial reading on December 14, 2022
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SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: Fla. Stat. ss. 1001.41(1), (2); 1001.42(4), (10).

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: Fla. Stat. ss. 1002.31; 1002.394; 1002.45.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF December 14, 2022, 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 November 16, 2022, 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 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.



Book	Policy Manual
Section	October 19, 2022 - <u>Final</u> Reading
Title	USE OF DISTRICT FACILITIES
Code	7510
Status	<u>Final</u> Reading
Adopted	May 11, 2011
Last Revised	June 18, 2014

## 7510 - **USE OF DISTRICT FACILITIES**

### **I. Purposes of Facilities Rentals**

~~Board-owned property, District~~ grounds, and facilities should be made available for community purposes, provided the use is in the best interest of the School Board, serves the Board's educational and public service mission, and does not infringe on the original and necessary purpose of the property or interfere with the educational program. School facilities may not be used during school hours or during times of school-sponsored events or activities for any purpose that is not aligned with the Board's educational and public service mission without prior approval of the Superintendent. Facility rental is not an official imprimatur by the school or the School Board for the event or activity, and the name or logo of the school or School Board may not be used in conjunction with the event or activity without prior approval of the Superintendent. Pursuant to Board Policy 9700, Relations with Special Interest Groups, School Board-owned facilities and equipment, and/or on-duty staff, may not be used to produce material advertising or promoting a political party, a political cause, or the candidacy of an individual for public office. Students and employees of the Board shall not be used to distribute campaign literature within the schools or on school grounds. However, this policy shall not abridge the rights of students to engage in expression in accordance with Policy 2240, Controversial Issues and Student Expression. Temporary use of School Board these facilities for non-school educational, civic, cultural, recreational, artistic, or charitable programs may be approved by the administrative staff for such purposes as set forth in this policy.~~follows:~~

- ~~A. Renter must initiate an Application for Temporary Use of School Building Facilities of the District – Temporary Use Agreement (Form #FM-0117) which must be signed by the Principal and approved by the Superintendent.~~
- ~~B. Renter must provide a certificate of insurance showing evidence of Commercial General Liability insurance with minimum limits of \$300,000 per occurrence. The~~

~~School Board, its employees, and agents are to be named certificate holders as well as additional insured.~~

~~C. Renter must comply with the Jessica Lunsford Act, as required.~~

~~D. Renter shall prepay rental charges, if not waived by Region Superintendent and Deputy Superintendent of School Operations.~~

~~Groups, organizations, or individuals employed by the Board or agent of the Board using school facilities to execute official duties as required by Board rule, policy, or directions are exempt from fees and charges. These groups should coordinate use with the principal or site administrator of the facility.~~

## **II. Rental ProceduresPolicies for Groups, Organizations, and/or Individuals Temporary Use of Board Facilities**

Use of Board facilities by groups, organizations, and individuals ("User") must be requested in accordance with the following procedures:

A. User must initiate an online facility rental application (Temporary Use Agreement), create an account, and agree to the Terms of Use. The Temporary Use Agreement must be agreed to and signed by the Principal and approved by the District Office of Budget Management and Facility Rentals. Temporary Use of Board Facilities is intended to be short-term in duration, as set forth below, and the approval of a Temporary Use Agreement does not imply an automatic continuation of such use beyond the initial rental period. A new application must be submitted after the expiration of the approved term. (Leasing of facilities is governed by Policy 7520, *Leasing of School Board-Owned Property* and Policy 6320, *Purchasing*).

B. User must provide a certificate of insurance showing evidence of Commercial General Liability insurance with minimum limits of \$300,000 per occurrence or as may be otherwise required by the District's Office of Risk and Benefits Management. The School Board, its employees, and agents are to be named certificate holders as well as additional insured. If the User does not have Commercial General Liability Insurance, then the User can procure such insurance through the Board-provided Facilities Use Insurance Policy, if available. The User will be referred to the Office of Risk and Benefits Management for processing.

C. At all times when the school is operating a District educational or recreational program, including after-school activities sponsored or controlled by the school, Users must comply with the Jessica Lunsford Act, as applicable, including but not limited to fingerprinting and background-screening requirements, presenting identification, and any District safety and security procedures or safety and security procedures that may be required by the Principal or Region Superintendent. Users operating any child-care program on school grounds must complete a Child Care Licensure Questionnaire with the Florida Department of Children and Families (DCF) and submit DCF's response to that questionnaire to the Principal or site administrator of the facility.

D. User shall prepay rental charges, if not waived by Region Superintendent and Deputy Superintendent.

1. Rental Classifications - There shall be a charge for the use of school facilities and equipment to groups, organizations, and/or individuals based upon their rental classification(s), as set forth in Section III below, which shall be established by the Superintendent based upon the facilities being used.

2. Payment requirements - Payment shall be made in advance by certified check, cashier's check, or money order payable to The School Board of Miami-Dade County, Florida.

3. Site coverage and services - A representative of the school shall be on the school grounds during the hours of use of facilities, except for playgrounds. Custodial services are included in the basic facility usage fee except when additional services are needed and/or when the use of the facility occurs outside normal hours when a representative of the District is not on the school campus. Charges made for extra custodial services described above shall be assessed at an hourly rate, including applicable fringe benefits. A qualified employee must supervise the operation of all equipment in cafeteria, shops, etc. Charges will be assessed an hourly rate, including applicable fringe benefits. User may be subject to charges for supply and maintenance fees.

4. Official Board use exemption - Users employed by the Board or agents of the Board using school facilities to execute official duties as required by Board rule, policy, or directions, are exempt from fees and charges. These groups should coordinate use with the Principal or site administrator of the facility.

E. District facilities may not be used under a Temporary Use Agreement at any time by any group, organization, or individual for a profit-making venture that conflicts with the educational and public service mission of the Board. This restriction does not apply to School-Allied organizations engaging in fundraising activities intended to directly benefit the school or other qualified and approved beneficiaries.

### **III. Classification of ~~Users~~Rental Organizations**

Rental charge classifications are as follows:

A. Non-School

Any organization, ~~or~~ group, or individual not responsible for the operation of public schools or not classified as ~~school-allied~~School-Allied.

B. Government

City, county, State, and Federal government groups requesting the use of school facilities to carry out official functions or meetings.

~~C. Supplemental Educational Services (SES) Providers~~

~~-  
Educational companies who provide tutorial services to qualified students under the No Child Left Behind Act.~~

~~D.C.~~        School-Allied

Organizations that are formed for the purpose of promoting the welfare of the school and/or its students and distinguished from student clubs and organizations that are an integral part of the school program under the direct policy leadership of the ~~principal~~Principal.

1. Specific Organizations. The following organizations are specifically classified as ~~school-allied~~School-Allied:
  - a. ~~Cub and~~ Boy Scouts
  - b. ~~Brownies and~~ Girl Scouts
  - c. American Red Cross Greater Miami & The Keys
  - d. 4-H Clubs
  - e. Young Men's Christian Association
  - f. Young Women's Christian Association
  - g. Jewish Community Centers (Young Men's/Women's Hebrew Association)
  - h. PTA/PTSA
  - i. PTO
  - j. Family Christian Association of America
  - k. Crime Watch
  - l. Registered Dade Partners, when such partners are, in the judgment of the school administrator, functioning in a role, which furthers a school-related or educational purpose.

2. Qualifying characteristics - As determined by the Deputy Superintendent or the Board, other organizations may be considered School-Allied that: (a) provide a program consistent with this section, (b) have the requisite funding to operate their programs, and (c) are available to all students of the school or community on a no-charge basis. Other organizations that provide a program consistent with item (1) above, and are available to all students of the school or community on a no-charge basis as determined by the Deputy Superintendent of School Operations or the Board.

2.3. ~~\_\_\_\_\_~~ Affiliating Agreement Required - All School-Allied organizations must contact the Principal to request an Affiliating Agreement and must have a fully executed Affiliating Agreement for Services (FM-6103) to host their programs at school facilities.

~~E. Repetitious Use~~

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~~Any group requesting the use of school facilities as often as once a week for six (6) consecutive weeks.~~

F.D. Users Charging Admission

~~Groups-Users~~ or commercial enterprises operating ~~for-profit~~~~for-profit~~, charging admission, having sales, or receiving contributions as a result of the use of school facilities.

Charges for admission do not apply to group participation, team, or league entry fees for educational, cultural, or recreational purposes. Such rentals may still qualify as "non-admission" as set forth below.

G.E. ~~Non-admission~~Users Not Charging Admission

Any ~~organization~~User requesting the use of school facilities for the purpose of holding a meeting that is free of charge and open to the public. ~~Organizations using school facilities~~

Users may be reclassified from Admission to Non-admission when all receipts from ticket sales, donations, or collections resulting from the use of school facilities are given entirely to a recognized charity and a request for this consideration is completed properly on the standard form and submitted with the initial application.

#### **IV. Specific Rental Policies**

Rental charges for ~~organizations using~~ school facilities are determined as follows:

A. Basic charges are computed on a minimum usage of three (3) hours on weekdays until 10:00 p.m. and the Board--approved hourly rate after 10:00 p.m., and are computed on a minimum usage of four (4) hours plus clean-up time on Saturday and Sunday at the Board-approved hourly rate. Any additional time beyond the basic charge hours will require an additional charge at the hourly rate set by the Board. At the ~~principal~~Principal's discretion, a custodial supply fee may be assessed. User shall pay a non-refundable processing fee in the amount of \$25.00 for each application being submitted by one of the methods referenced above.

~~B. Supplemental Educational Services (SES) Providers basic charges are computed on a minimum usage of one (1) hour rate. A minimum of four (4) hours will be charged for custodial services on Saturday and Sunday at the hourly rate set by the Board.~~

C.B. The rental fee includes the area requested on the ~~Application for Temporary Use of School Buildings~~online facility-rental application (cafeteria/cafetorium, auditorium, classrooms, stadiums, etc.), restrooms, parking lot, and custodial services. The District shall provide for the services of one (1) custodian for building services from the general charge. User shall pay for any and all additional staff necessary. Additional space necessary must be requested at the time the application is submitted or upon submission of an additional application. The District shall furnish light, heat, and water by means of the appliances installed for ordinary purposes, but for no other purposes. Interruptions, delays, or failures in furnishing any of the same caused by anything beyond the control of the Miami-Dade County Public Schools shall not be chargeable to the Miami-Dade County Public Schools.

User shall obtain at the user's own cost and expense any and all licenses or permits required by law or ordinance. Lack of a certificate of insurance will render the rental agreement null and void. If the User is a state agency or subdivision as defined by section 768.28, Florida Statutes, the User shall furnish, upon request, written verification of liability protection in accordance with section 768.28, Florida Statutes.

~~D.C.~~ Schools may not determine ~~either the organization's~~ classifications or rental charges. Classification and charges will only be determined by Facilities Operations, Maintenance - Finance Department, in conjunction with Facilities – Governmental Affairs and Land Use, based upon Board-approved policies. Additionally, Facilities Operations, Maintenance - Finance Department shall verify the pricing, data, collect payment, and maintain appropriate records. Pricing shall be reviewed on an annual basis and updated as necessary to reflect current salary and other operating costs.

~~E.D.~~ Except as otherwise provided, ~~Users~~organizations must prepay all rental charges before being given access to school facilities. All payments shall be made by certified check, cashier's check, or money order payable to The School Board of Miami-Dade County, Florida and remitted to Facilities Operations, Maintenance, Location 9241, 12525 N.W. 28th Avenue, Miami Florida 33167, Attention: Finance Department, Room 359.

~~F.E.~~ Users~~Organizations~~ desiring to cancel usage must do so in writing within twenty-four (24) hours of the requested time. Organizations canceling without giving twenty-four (24) hours' notice must pay any cost incurred by the facility, but not less than one (1) hour at custodial overtime rates. In the case of stadium rentals, forty-eight (48) hours' cancellation notice is required. Organizations canceling without forty-eight (48) hours' notice must pay any cost incurred by the stadium.

~~G.F.~~ Users ~~Organizations~~ must take the premises as they are at the time of occupancy. Should it become necessary to remove, relocate, or alter any stage rigging or equipment, including stadium/grounds preparation, the changes shall be made by school personnel at additional expense to the ~~organization~~User at the standard custodial staff overtime rate ~~specified in this policy~~. The premises shall be returned as found following usage. All such changes must have prior approval by the ~~principal~~Principal or his/her designee. No permanent installations of any type are permitted (floors, mirrors, stages, etc.). User shall remove from the premises within twenty-four (24) hours following final performance all stage settings, equipment, and material owned by the User. Anything not removed from the premises after 24 hours will be subject to a storage charge. User shall have all deliveries of needed equipment made after proper arrangements with the Principal. Removal of equipment from the school that does not belong to User is not permitted under any circumstances.

~~H.G.~~ Organizations wishing to question the amount of the charges for use of school facilities must do so prior to time of occupancy. Any User wishing to contest the amount of the charges for use of school facilities must do so no later than seventy-two (72) hours prior to usage, otherwise agree to pay the stipulated prices. There are no refunds or credits due to inclement weather.

~~I.H.~~ Governmental and ~~school-allied~~School-Allied organizations may be permitted free use of the building when a custodian is regularly on duty and custodial services can be rendered at no additional cost to the District, subject to the ~~principal~~Principal's judgment as to the number of groups that can be accommodated.

A Request for Fee Waiver for Utilization for School Facility (FM-5576) (and if applicable, an affidavit of eligibility to receive a fee waiver) must be initiated by the ~~principal~~Principal and approved by the Region Superintendent and Deputy Superintendent, ~~School Operations~~ or his/her designee.

~~J.I.~~ J.I. Governmental and ~~school-allied~~School-Allied organizations will be assessed a charge in the case of special activities such as fund-raising affairs, dances, etc., and use under Reciprocal Use Agreement when the school is normally closed and custodial overtime is required. Facilities Operations, Maintenance - Finance Department will assess the charges based on governmental and ~~school-allied~~School-Allied rental rates. This does not supersede any reciprocal use agreements.

~~K.J.~~ K.J. \_\_\_\_\_ Delinquent payment or falsification of application and/or insurance certification will be grounds for denial of future use.

~~L.K.~~ L.K. \_\_\_\_\_ Admission activities within a school building will not be permitted on a repetitious basis. Use of school facilities for activities classified "admission" shall be limited to one (1) production per producer and/or organization within a fiscal year, except for leased parking areas. Commercial leasing of school parking areas shall be addressed as set forth in Board Policy 7520.

L. Facilities shall not be provided for extended periods of time and the rentals are on a temporary basis. All applications for ~~repetitious~~-use of ~~school~~-Board-owned facilities shall be ~~renewed-submitted~~ annually on July 1st and shall be subject to a new review and approval by the District. Review of annual applications for use shall take into consideration: past use and performance, alignment with the Board's educational and public service mission, the original and necessary purpose of the property, interference with the educational program, the opportunity afforded to other applicants, and any other requirements of this policy. Temporary use of facilities in accordance with this policy shall not be utilized when a lease agreement is required pursuant to Policy 7520, Leasing of Board-Owned Property.

M. The user shall agree to indemnify, hold harmless, and defend the School Board.

N. The District reserves the right to terminate the rental agreement, with or without cause at any time upon 30-days' notice, or immediately for health, safety, and welfare concerns.

## **V. General-Additional Conduct Policies**

Organizations using school facilities must comply with the following general conduct policies:

- A. The flag of the United States of America shall be displayed.
- B. The United States National Anthem may be played.
- C. Custodians are not to be paid from school internal funds or by non-school organizations. All payments to custodians are to be made on an approved overtime roster processed through the Payroll Department.

- D. Steam tables and cafeteria kitchens are not to be used by non-school groups. If ~~school-allied~~School-Allied groups use these areas, a member of the school's food service staff shall be present. The ~~school-allied~~School-Allied group will be billed for this service and must remit payment to Facilities Operations, Maintenance – Finance Department for the food service personnel charge at the standard overtime rate.
- E. Elementary classrooms may not be used for meetings without prior approval from the Deputy Superintendent of School Operations.
- F. Organizations shall not re-assign the ~~Application for Temporary Use of School Building online facility-rental application or Temporary Use Agreement~~, sublet the premises to any other individual, organization, or entity, or any part, or use the premises for any purpose other than that specified within the application/agreement without prior written consent of the District. The User listed on the rental application/agreement remains fully liable at all times requested and approved.
- G. Activities will not be permitted between 12:00 a.m. (midnight) and 6:00 a.m. without prior approval from the Deputy Superintendent of School Operations.
- H. School equipment will not be taken from the premises by any ~~organization~~User under any circumstances.
- I. No smoking, alcoholic beverages, illegal drugs/mood modifiers, or any gambling devices will be allowed in schools or on Board property. Weapons, including licensed, concealed weapons, are prohibited, except when in the possession of law enforcement officers during the execution of their official duties. Use of tobacco products is strictly prohibited on School Board owned/leased properties.
- J. Any ~~organization~~User causing damage to school property will be held responsible for cost of replacement or repair and may be denied further use of facilities.
- K. No unlicensed fireworks or explosives of any kind will be permitted on Board property. No licensed fireworks demonstration will take place on Board property without specific prior Board approval ~~of the event~~. No substance or thing prohibited by any law or ordinance, or by standard policies of fire insurance companies operating in the State of Florida; or, without permission from the Principal, any illuminating oils, candles, lamps, turpentine, benzene, naphtha, or other similar or hazardous substances or materials, may be used or stored, or permitted to be used or stored, on Board property. User shall provide and be responsible for the supervision, security, and safety of the premises, including rendering or securing aid in the event of an emergency. M-DCPS police/school security will be made available to User for security only upon request and agreement. User shall not store any items at the school site with no exceptions.
- L. All scout applications must be filed with the names and addresses of the troop committee chairperson and the scoutmaster. Scouts shall hold regular troop meetings in the school that the largest percentage attend. If this percentage changes, the troop may be asked to relocate.
- M. Adequate adult supervision must be maintained at all times. Failure to comply may cause suspension of activities.

N. When ~~filling in the information~~ completing the online facility rental application, "Hour Building Will Be Needed" and "Hour Building Will Be Vacated," users should allow ample time ~~for such things as the following~~ must be requested for any task that will be done before or after the activity, event, or performance.

~~1. Performers arriving for preparation, makeup, etc.;~~

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~~2. time for the audience to be seated prior to the performance;~~

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~~3. performers cleaning up and leaving after the performance;~~

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~~4. moving out scenery, properties, etc.;~~

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~~5. special furniture arrangements and preparations;~~

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~~6. placing kneelers, prayer books, hymnals, etc.;~~

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~~7. setting up altar;~~

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~~8. anything else that needs time either before or after the actual activity or performance.~~

O. Special or additional meetings, such as rehearsals and other similar uses of the buildings, are never permissible during school hours. Rehearsals and additional meetings are not included with the rental charges, and if rehearsals or additional meetings are necessary, this must be requested at the time the application is submitted.

P. Larger schools may have specific requirements regarding lights, microphones, etc. ~~The organization~~ User must contact the Principal before any rental to ascertain whether there are special circumstances.

Q. Individual use agreements for use of ~~District Board-owned~~ facilities will specify what equipment and/or personnel are included in the rental fee.

R. Overnight storage is not permitted except when such storage is insignificant or of a temporary nature, and then only with the prior consent of the ~~principal~~ Principal.

S. Permanent signs will not be permitted on school property. However, portable signs may be placed in front of the schools during the period that the event is religious services ~~are~~ scheduled.

T. This policy is intended for clarification only, not to release the organization from the responsibility of knowing the conditions of the Temporary Use Agreement ~~on the reverse side of the~~ and standard online facility rental application.

## **VI. Use of School Facilities For Commercial Film Production**

A. All requests to use the exterior or interior of a school or other District facilities in a film production must be made to the Superintendent who may grant or deny such requests in accordance with this policy.

- B. A summary of the script, including descriptions of the use of any special equipment or special effects that could endanger the safety of students and staff, shall be obtained from the producer or ~~film-maker~~filmmaker. Productions that would embarrass or ridicule the District or create unnecessary safety hazards to students and staff will be refused permission to film.
- C. Production during school hours shall be conducted without disrupting the students' educational process and permitted only with the approval of the Superintendent. When more than one (1) school facility is needed for the production, individual approval will be required for each facility. The specific production schedule shall be mutually determined by the producer and Principal. Every effort shall be made to limit filming to days and hours when classes are not in session.
- D. If at any time during production, the Principal determines it is disrupting the normal activities in the building, the ~~principal~~Principal shall immediately notify the Superintendent, who has absolute authority to direct the production company to vacate the premises on twenty-four (24) hour notice. The production company shall have ten (10) hours in which to correct any disruptions.
- E. Identification of the school used in the production can only be made with the Superintendent's permission.
- F. No photographs or filming of faculty or students or members of the public shall take place at any school unless the production company has been given a signed release by the adult individual or parents, or the individual filmed has entered into a contract with the production company.
- G. No scenes depicting gratuitous nudity, sexual activities, lewdness, sadistic violence, or promoting the use of illegal drugs or alcohol abuse will be filmed on any school property. The production company will further guarantee that a film is intended to have a viewer rating not more restrictive than "R".
- ~~H.~~—The production company will provide liability insurance and a hold harmless agreement to cover the Board, its agents and employees in a manner satisfactory to the Office of Risk and Benefits Management.
- H.
- ~~I.~~—The production company will be responsible for costs of utilities, custodial, or other expenses incurred for each day of production that occurs on school grounds. Schools will be permitted to accept and place in the internal accounts any donations received from the production company. However,
- ~~J.I.~~ Donations received must not be in lieu of facilities rental charges.

## **VII. Use of Grounds**

- A. School ~~playgrounds~~ are may, at the discretion of the Principal and Region Superintendent, with final approval by the Superintendent, be made available for organized athletic leagues when not in conflict with school programs and upon receipt and approval of an ~~Board use agreement~~online facility rental application, valid insurance certificate, and compliance with Jessica Lunsford Act. Users conducting

recreational activities are fully responsible for the supervision of the activities and for securing and/or rendering aid in the event of an emergency.

- B. Vendors selling products to students are to remain a minimum of 500 feet from school property at all times.
- C. No aircraft, lighter-than-air-craft, automobiles, motor scooters, motorbikes, or similar vehicles, licensed or unlicensed are to be operated on school grounds.

Exceptions to the above rule:

1. Police or medical emergency vehicles, which are being operated during a bona fide emergency.
  2. Vehicles and aircraft affiliated with the Baker Aviation School.
  3. Board-owned maintenance and transportation vehicles.
  4. Vehicles of any type used for demonstration or educational purposes.
  5. Parking on school grounds pursuant to Board policies.
- D. Pursuant to the requirements of Policy 8390, *Animals on District Property*, animals are permitted ~~in~~ on school grounds, Board-owned or leased properties only for authorized school security programs, approved educational programs, and aiding individuals with disabilities.
  - E. No unlicensed fireworks of any kind will be permitted on Board property. No licensed fireworks demonstration will take place on Board property without specific prior Board approval of the event.
  - F. When renting only outdoor space, B buildings are not to be used unless an application for the use of ~~rest rooms~~ restrooms has been approved and ~~the organization~~ User has agreed to the payment of the minimum standard charge.
  - G. Only the area assigned by the Principal is to be used, and ~~the organization~~ User will relocate on the field when requested to provide even wear on the turf.
  - H. Damage to school or neighboring facilities will be cause for suspension of use.
  - I. School grounds are available for public use at times when the grounds are not being used for school or school-related purposes, as determined by the Principal, unless an Affiliating Agreement has otherwise authorized a particular use. Each case/use shall be separately addressed according to Board policy and, guidelines.
  - J. Use of school grounds for carnivals is limited to ~~school-allied~~ School-Allied organizations as stipulated in Board policy.
  - ~~K. Use of grounds (except paved parking areas) on an admission basis is limited strictly to school-allied organizations.~~

~~K. Paved Use of paved parking lots or other school grounds may be authorized by the Principal as part of a facility rental, used for parking, for fund raising purposes. However, leasing of School Board-owned parking areas for commercial enterprises is governed by Policy 7520.~~

L. Leases to commercial enterprises are limited to paved parking areas. The organization shall be responsible for restoration of grounds, adequate insurance, and security.

### **VIII. Entertainment Sponsored by the School or its Allied Organizations**

Entertainment held on school property is subject to the following:

A. The use of school grounds and buildings for pony and other animal rides, raffles, bingo and card playing is prohibited.

B. Senior high school-affiliated groups, with permission of the ~~principal~~Principal, may sponsor privately-owned carnivals, carnival game concessionaires, or carnival equipment, e.g., ~~ferris~~Ferris wheel, roller coaster, merry-go-round, etc., subject to guidelines issued by Procurement and Materials Management. These guidelines should include, but not be limited to, developing a contractual agreement that would clearly define the responsibility of the carnival companies for adequate liability coverage, damages to grounds or buildings caused by their equipment, adequate security for crowd control, and that also would restrict the carnival companies use of Board utilities.

C. The handling of all proceeds must follow the Manual of Internal Accounting pursuant to Policy 6610.

D. All forms of gambling and games of chance are prohibited. Games based entirely upon skill are not to be considered games of chance.

E. Commercial food and drink vending concessionaires are permitted if approved by the ~~principal~~Principal.

F. Any contest that is conducted by selling votes is prohibited.

~~G. Paved parking lots or other school grounds may be utilized for parking for fund raising purposes. Leases to commercial enterprises are limited to paved parking areas. The organization will be responsible for restoration of grounds, adequate insurance and security.~~

~~H.G.~~ All entertainment shall be carefully screened by the ~~principal~~Principal to eliminate scenes, language or jokes that are not compatible with an educational institution.

~~I.H.~~ Each school shall be responsible for submitting taxes and reports to the proper authorities concerning proceeds from entertainment. Setting a fixed contribution for entertainment is considered as charging admission.

~~J.I.~~ Motion pictures, using rented films, shall not be shown in a school for admission charge, offering, or any other means of payment. Schools sponsoring this type of entertainment must assume the responsibility of royalty infringements and violations of any law pertaining to such entertainment.

~~K.J.~~ No activities pertaining to entertainment may violate, literally or in spirit, Board policies on advertising (Policy 9700.01).

## **IX. Short and Long-Term Use**

All short and long-term use agreements for school facilities shall be executed by written contract. When a standardized agreement has been adopted by the Board for use of specific types of facilities, that agreement shall be executed. When uses have not been made the subject of standardized agreements, the Superintendent shall negotiate, in conjunction with the Board attorney, a specific agreement for approval by the Board. This policy may not be circumvented by any agency or organization through use of the Board or similar agreements. Leasing of School Board-owned property is governed by Policy 7520.

## **X. Personal Use of District-owned Vehicles**

- A. Board security-law enforcement officers may be provided with vehicles on a twenty-four (24) hour basis, if authorized by the Superintendent. These vehicles are classified under IRS section 274(d) as qualified non-personal use vehicles, used by law enforcement officers. Personal use must be incidental to law-enforcement functions, such as being able to report directly from home in an emergency situation.
- B. All other personal use of District-owned vehicles, such as commuting to and from work, is prohibited, unless authorized by the Superintendent. The value of any personal use will be reported annually on the employee's W-2 as taxable income, subject to current Internal Revenue Service rules.

## **XI. Temporary Relocatable Facilities**

The Superintendent may lend temporary relocatable buildings to governmental agencies as follows:

- A. The period of use will be for one (1) year with an option to renew for an additional year, but not to exceed a combined period of three (3) years.
- B. The use of the temporary relocatable building shall be that of the primary governmental unit requesting the agreement and for a purpose not in conflict with any Board policies.
- C. Preference shall be given to governmental agencies that provide a primary or secondary service to the District.
- D. There shall be no expense to the Board for the maintenance and care of the facility during the use period, and it shall be returned at the end of the use period in like or better condition. Expenses incurred by the Board in relocating a building shall be reimbursed by the requesting governmental agency.

Leasing of School Board-owned property is governed by Policy 7520.

## **XII. Facilities Use for Disasters**

Should all or any part of the District's community be struck by a disaster, the Board shall make District grounds and/or facilities available, for housing, feeding, and care of victims or potential victims when requested by local, County, State, or Federal governmental authorities.

## **XIII. Additional Procedures**

The Superintendent shall develop administrative procedures for granting of permission to use District facilities including a schedule of fees. Such procedures are to include the following:

- A. Each user shall present evidence of organizational/general liability insurance to the limit prescribed by the District's administrative procedures.
- B. Use of school equipment in conjunction with the use of school facilities must be requested specifically in writing, and may be granted by the procedure by which permission to use facilities ~~are~~is granted. The users of school equipment must accept liability for any damage or loss to such equipment that occurs while it is in their use. No item of equipment may be used except by a qualified operator.
- C. Users shall be liable financially for damage to the facilities and for proper chaperonage.

## **XIV. Exceptions**

Exceptions may be made on an individual basis, as determined by the specific merits of each activity. Requests for such exceptions must be addressed to the Deputy Superintendent ~~School Operations~~ for evaluation and decision.

## **XV. Liability**

No liability shall attach to the District, or any of its employees and officers, specifically as a consequence of permitting access to these facilities.

Effective 7/1/11  
Revised 6/18/14

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Legal References:

F.S. Chap. 1013, Pt. II  
F.S. 1013.10  
F.S. 1013.15  
F.S. 1001.51(4)

Adoption Date: **05.11**  
Classification:  
Revised Dates: ; **06.14**



Book	Policy Manual
Section	December 14, 2022 - <u>Final</u> Reading
Title	RELATIONS WITH SPECIAL INTEREST GROUPS
Code	9700
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Last Revised	March 15, 2017

### 9700 - **RELATIONS WITH SPECIAL INTEREST GROUPS**

Any request from civic institutions, charitable organizations, or special interest groups which involve such activities as patriotic functions, contests, exhibits, sales of products to and by students, sending promotional materials home with students, graduation prizes, fund raising, and free teaching materials must be carefully reviewed to ensure that such activities promote student interests.

Students, staff members, and District facilities shall not be used for promoting the interests of any nonschool agency or organization, public or private, without the approval of the School Board or its designee. Board approval, shall not be construed as an endorsement of the cause or group.

Pursuant to State law, a person or group may not accept a donation of public funds from the District, or any person acting on behalf of the District, for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including any State question, that is subject to a vote of the electors.

#### A. **Political Interests**

All materials or activities proposed by outside political sources for student or staff use or participation shall be reviewed by the Superintendent on the basis of their educational contribution to part or all of the school program, and benefit to students. This approval shall not have the primary purpose of advancing the special interest of the proposing group.

The use of any type of educational material, program, or equipment are not permitted in curricular, co-curricular, or extra-curricular activities or at any time during the school day if they contain partisan political or commercial messages. Instructional staff may, however, use political materials or those provided by special interest-groups in adopted courses of study with the approval of the principal.

~~School facilities or equipment may not be used as a means of producing or disseminating to the community any material that advertises or promotes a political party, a political cause, or the candidacy of an individual for public office.~~ School Board-owned facilities and equipment, and/or on-duty staff, may not be used to produce material advertising or promoting a political party, a political cause, or the candidacy of an individual for public office. Students and employees of the Board shall not be used to distribute campaign literature within the schools or on school grounds.

Outside speakers representing commercial organizations will be welcome only when the commercial aspect is limited to naming the organization represented and the subject matter advances the educational objectives of the District.

#### B. **Contests**

A contest that meets the following criteria may be advertised and, where appropriate, used in conjunction with daily instruction provided that it:

1. supplements, and does not interfere with, the regular school program;
2. is beneficial to youth in educational, civic, social, or ethical development;

3. makes it possible for individual students to work out contributions by their own efforts and do not invite dishonest collaboration;
4. is not commercial, controversial, sectarian, or concerned with propaganda;
5. follows the Board's anti-discrimination policies except the restriction on sex shall not prohibit contest promotion by organizations exempted from the provisions of Title IX of the Education Amendments of 1972;

Some contests are designed to benefit the welfare of specific student group, and may not meet all of these nondiscriminatory provisions. Since it is not the purpose of this rule to disallow these specific groups of students from gaining the benefits of these contests, the Superintendent may authorize Principals to notify students of their existence. However, the contest may not be used in conjunction with daily instruction nor shall the school assist in facilitating student participation.

6. does not place an undue burden on students, teachers, or the school, nor require frequent or lengthy absences of participants from the schools;
7. is sponsored by an organization engaged in a creditable or acceptable enterprise regardless of kind or number of prizes offered and that must not use the contest or activity as a "front" for advertising a company name or product;
8. emphasizes high moral standards, good citizenship, and intellectual competence;
9. does not cause the participants to leave the School District, unless it complies with the Policy 2340.

#### Procedures

All contests must be recommended by the District Ad Hoc Contest Task Force and approved by the Superintendent. The membership of the District Ad Hoc Contest Task Force shall include representatives from each school level (elementary, middle, senior), the Region level, the District office, and the exclusive bargaining unit for teachers. Additionally, a Board member shall serve as an ex-officio member.

1. It shall be the duty of the District Ad Hoc Contest Task Force to review all requests for contests and recommend to the Superintendent those which meet the criteria established by the National Contest Committee Association of Secondary School Principals.
2. The list of contests approved by the Superintendent will be sent to schools and notification mailed to sponsoring agencies.
3. No contest of a District-wide nature that has not been recommended by the District Ad Hoc Contest Task Force and approved by the Superintendent shall be conducted during the school year.
4. No contest shall be allowed before September 1st or after April 1st unless it is a national contest that requires participation at a definite time.
5. The deadline for accepting applications for consideration for contests for the next school year shall be July 31st, but they may be received any time prior to this date. Applications received after this date must be reviewed and approved by a committee composed of at least three (3) members of the District Ad Hoc Contest Task Force and recommendation of the Superintendent.
6. Teachers are not to screen entries for any contest unless provision was made for this at the time the contest was approved.

7. The District Ad Hoc Contest Task Force may approve or disapprove the rules under which the contest is offered. An Application for Contest Approval must be completed and filed by the sponsoring organization or individual. These forms are available in the Division of Athletics/Activities and Accreditation.

Approval of all contests is permissive in nature and does not obligate the individual school to participate. The school must decide whether the contests fit into the instructional program of that particular school.

The sponsoring agency is responsible for distributing information to the schools and promoting the contests.

#### **C. Distribution/Posting of Literature**

No outside organization, staff member, or student representing an outside organization may distribute, post literature, or make announcements on that organization's behalf on District property either during or after school hours without the permission and prior review of the Superintendent. The Superintendent will have forty-eight (48) hours to grant or deny

the request to distribute materials. When deciding whether to grant or deny the request, the Superintendent will be guided by the following criteria: there must not be a substantial likelihood that distributing the literature will create a disruption or disturbance, and the materials must not constitute or support a civil or criminal wrong.

The Superintendent shall establish administrative procedures which require that:

1. criteria established in Policy 5722 are used to make a decision regarding materials that students seek to post or distribute;
2. distribution or posting of materials employees wish to distribute on behalf of an employee organization comply with the terms of negotiated collective bargaining agreements;
3. the District or the school mail system is not used by the community, students, or staff for distribution of nonschool-related materials, unless authorized by the Superintendent;
4. no materials from any profit-making organization are distributed for students to take home to their parents unless authorized by the Superintendent;
5. flyers and notices from outside non-profit organizations may be made available for students to pick-up at the literature distribution rack/table by the school building's office, under the following circumstances:
  - a. the flyer/notice publicizes a specific community activity or event that is age-appropriate for the students that attend the school;
  - b. the organization submits the number of copies of the flyer that it wants placed in the literature distribution rack/table;
  - c. the organization shows the building principal its 501(C)(3) or other proof of non-profit status, and the principal confirms that the flyer/notice does not overtly advocate or entice support for any religious organization;

No student shall be required to take any of the flyers/notices placed in the literature/distribution rack/table, and the rack/table shall contain a clear notice that the Board does not support or endorse any of the organizations and/or activities/events identified in the flyers/notices.
6. the time, place, and manner of distribution of all nonschool-related materials is clearly established and communicated.

#### **D. Solicitation of Funds**

In order to provide its employees with the opportunity for united participation in the financial support of the services performed by the humanitarian agencies of this community, an annual United Way of Miami- Dade County drive among school personnel is approved. No other fund-raising drives may be conducted during the District campaign.

Exceptions may be made on an individual basis, as determined by the specific merits of each activity. Requests for such exceptions must be approved by the Superintendent and shall be transmitted to the Board.

All crowdfunding activities require approval in accordance with Policy 6605, Crowdfunding.

#### **E. Prizes/Scholarship**

Acceptance of scholarships or prizes is conditioned on the following:

1. No information, either academic or personal, shall be released from the student's record for the purpose of selecting a scholarship or prize winner without the permission of the student who is eighteen (18), or the parents of a student who is younger according to Board policy on student records.
2. The type of scholarship or prize, the criteria for selection of the winner, and any restrictions upon it shall be approved by the principal.
3. The principal, together with a committee of staff members designated by the principal, may be involved in the selection of the recipient and, if agreeable to the sponsoring organization, the selection shall be left entirely to the principal and staff committee.
4. The acceptance of trophies, prizes, or awards from persons or organizations not connected with the schools shall comply with Board policy and the corresponding administrative regulations providing for awards for distinguished success in any school activity.

## **F. Sale of School Supplies**

The sale of school supplies on Board owned property by organizations other than the School District, may be allowed pursuant to the following:

1. the organization has a purpose which will benefit the School District and its students;
2. the organization's planned activities are clearly in the best interest of the School District and its students;
3. the organization has submitted the following information and assurances on the form provided by the District: a statement noting the purpose of the organization, financial accountability assurances, and use of facility assurances.

All funds generated by the sale of such school supplies shall be kept separate from other activity funds or other transactions of the Board.

## **G. Surveys and Questionnaires**

Neither District-related nor nondistrict-related organizations shall administer a survey or questionnaire to students or staff unless the instrument and the proposed plan is submitted, in advance, to the Superintendent. If approved, a copy of the results and the proposed manner of their communication are to be provided to him/her for review and approval before they are released.

Students shall not be required to complete surveys to provide marketing information to vendors, or distribute to vendors any personal information of students, including but not limited to names, addresses, and telephone numbers, except as may be required by law. In addition, the District shall not enter into any contract for products or services, including electronic media services, where personal information will be collected from students by the providers of the services. See also Policy 2416.

## **H. Blood Collection Drive - Soliciting from Students and Staff**

At the discretion of the principal/head administrator, schools and non-school sites may participate in blood collection drives with an entity to be selected by the Board through a Request for Proposal. The solicitation may be conducted at all schools and non-school sites under conditions that meet all of the following criteria:

1. The activity is purely voluntary with no financial remuneration to the work location, student, and/or staff. All such participation is to be sanctioned by the principal/head administrator.
2. Students, staff and community members at large who are seventeen (17) years of age and older may participate in the blood drive. Individuals eighteen (18) years of age and older may consent to the donation of blood without parental permission. Students who are seventeen (17) years old must bring a written consent from the parent or guardian.
3. Donor's consent to the donation of blood shall be secured using the form provided by the blood collector and approved by the Office of Risk and Benefits Management.
4. Employees or students of a school or non-school site shall not participate, directly or indirectly, in the process of taking blood from student donors. Students may assist in minor record-keeping chores and distributing refreshments.
5. The blood collector must provide sufficient trained personnel to monitor the condition of the donor following the giving of blood.
6. The blood collector must provide a standard certificate of insurance to indemnify and hold harmless the Board, its employees and representatives, from and against liability arising out of or in connection with the entity conducting a blood drive on school property.

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Legal

F.S. 1013.10



Book	Policy Manual
Section	December 14, 2022 - <u>Final</u> Reading
Title	AGENDAS
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Adopted	May 11, 2011
Last Revised	September 7, 2022

#### 0165.1 - **AGENDAS**

##### A. Preparation and Distribution

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.

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.

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.

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

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

Board members who sponsor items, including recognition, resolution, endorsement, and proclamation items, which they wish to have considered at regular Board meetings should submit them to the Superintendent for inclusion in the agenda at least nine (9) calendar days prior to a regular Board meeting. Proposed Board member items are to be submitted for each subsequent meeting no earlier than the next regular business day after the conclusion of the prior regular Board meeting. In order to ensure that items proposed by Board members are numbered in the order in which they are received by the Board Office Manager/Administrative Coordinator or anyone designated by the **Board Chair** Superintendent for this purpose, all proposed items by Board members will be date-stamped and numbered in the sequence in which they are received. All proposed items submitted must contain, at a minimum, a subject heading specifying the topic that is being proposed for discussion. Board members shall submit Board member agenda action items and resolutions seeking a call to action to the Board Attorney's Office for review and approval as to form and legal sufficiency prior to agenda publication.

##### C. Agenda Changes

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

#### D. Co-Sponsorship of Board Member Agenda Items and Endorsement of Public Engagement and Participation Initiatives

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

Board members may also express their desire to co-sponsor an item at the regular meeting in which the item is presented for Board approval, or to officially endorse Superintendent action items that directly appeal to public engagement and participation in support of community-centered initiatives, such as relief efforts and other altruistic undertakings in benefit of the community, as indicated in the Superintendent item. If co-sponsorship or endorsement of a Superintendent item is requested at a Board meeting, the Board shall treat the request pursuant to Robert's Rules of Order as a motion to amend the item to indicate the co-sponsorship(s) or endorsement(s).

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

#### E. Consent Agenda

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

#### F. Distribution of the Agenda

##### 1. Board Members

The agenda of regular meetings shall be distributed to members of the Board and the student advisor and posted on the Board's website at least seven (7) days in advance of the meeting date. Copies also will be made available to the Board members' administrative assistants. The final versions of all items and all relevant agenda related material and back-up documentation, must be provided to Board members and posted on the Board's website at least two (2) days before the Board committee meetings. Agenda items requiring non-substantive revisions only, such as typos and grammatical errors, may be distributed within the two (2) day distribution period. This requirement shall not apply to items dealing with personnel appointments and assignments, matters that are not appropriate for review by Board committees, and items presented at special or emergency meetings of the Board. However, the final version of these agenda items, including all relevant and supporting material and/or supplemental information, shall be provided to Board members and the student advisor at least forty-eight (48) hours prior to any meeting of the Board.

The agenda for special meetings called by the Superintendent, or by the Superintendent on request of the Board Chair, or on the request of a majority of the Board members, shall be prepared upon the calling of the meeting, distributed to each Board member and the student advisor and posted to the Board's website not less than forty-eight (48) hours prior to the meeting.

##### 2. Administrative Staff and Recognized Employee Organizations

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

##### 3. Individuals and Community Organizations

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

For news media representatives, the County Council PTA/PTSA Executive Board, the Miami-Dade County Association of Student Government Presidents, and other governmental education-related community organizations, copies of the agenda will be made available at no cost through the Citizen Information Center. Requests for other distribution may be made by the Superintendent or any Board member.

b. A copy of the agenda also will be available at the Citizen Information Center prior to and during Board meetings.

c. The agenda and accompanying materials, reports and presentations, shall be accessible via the Board's website.

G. Distribution of Agenda-related Supplemental Materials and Documents, Presentations, and Reports

1. Board Members

At least two (2) days prior to each regular meeting of the Board, the Superintendent shall distribute to each Board member and the student advisor supporting materials and documents, including but not limited to, all relevant memoranda and/or supplemental information or documentation prepared to accompany the items which are included on the agenda, and post them on the Board's website. The final versions of all items, along with all relevant agenda related material and back-up documentation must be presented to Board members at least two (2) days before the Board committee meetings. Agenda items requiring non-substantive revisions only, such as typos and grammatical errors, may be distributed within the two (2) day distribution period. Copies of the supporting materials and documents also will be made available to the administrative assistants to the members of the Board.

For all public Board meetings as identified in Policy 0165, *Public Meetings*, including regular, committee, special, and emergency meetings and workshops, all reports and PowerPoint presentations and any other materials used in any presentation at a public meeting of the Board, shall be distributed to all Board members and the student advisor and posted to the Board's website no less than forty-eight (48) hours prior to the meeting or workshop, even if the materials are for information only and no formal action will be taken at the meeting.

2. Administrative Staff and Recognized Employee Organizations

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.

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.

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 available on the Board's website and 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.

A copy of these materials will be available at the Citizen Information Center prior to and during Board meetings.

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.

Effective 7/1/11  
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                                    F.S. 120.525  
                                    F.S. 120.81



Book	Policy Manual
Section	December 14, 2022 - <u>Final</u> Reading
Title	NON-PUBLIC MEETINGS
Code	0166
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#### 0166 - **NON-PUBLIC MEETINGS**

##### A. Attorney-Client Sessions

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:

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.
2. The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.
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.
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.
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.
6. The transcript shall be made part of the public record upon conclusion of the litigation.
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 F.S. 286.011(8).

##### B. Risk Management Sessions

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.

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

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

#### C. Executive Sessions

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

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

No less than two (2) executive sessions must take place, one (1) prior to the starting of bargaining negotiations, and one (1) prior to the closing of bargaining negotiations. The Superintendent shall notify the Board of the need for an executive session at the earliest practical date before the session is scheduled.

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

#### D. Cybersecurity

Pursuant to F.S. 119.0725, the Board may meet privately in confidential session to discuss the following information, and the following information held by the Board is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Coverage limits and deductible or self-insurance amounts of insurance or other risk mitigation coverages acquired for the protection of information technology systems, operational technology systems, or data of an agency.

(b) Information relating to critical infrastructure.

(c) Cybersecurity incident information reported pursuant to s. 282.318 or s. 282.3185.

(d) Network schematics, hardware and software configurations, or encryption information or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents, including suspected or confirmed breaches, if the disclosure of such information would facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of:

1. Data or information, whether physical or virtual; or

2. Information technology resources, which include an agency's existing or proposed information technology systems.

Any portion of a meeting that would reveal information made confidential and exempt under Section D. of this policy is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. No notice of the meeting is required. Any discussion held during these sessions and any materials presented are confidential and may not be publicly disclosed. An exempt portion of a meeting may not be off the record and must be recorded and transcribed. The recording and transcript are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The public records exemptions contained in this section apply to information held by an agency before, on, or after July 1, 2022. Information made confidential and exempt pursuant to this section shall be made available to a law enforcement agency, the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the Florida Digital Service within the Department of Management Services, and, the Chief Inspector General for agencies under the jurisdiction of the Governor. Such confidential and exempt information may be disclosed by an agency in the furtherance of its official duties and responsibilities or to another agency or governmental entity in the furtherance of its statutory duties and responsibilities.

#### ~~Public-Private Partnerships and Unsolicited Proposals~~

~~In accordance with F.S. 255.065 and Policy 6327, Public-Private Partnerships and Unsolicited Proposals, any portion of a meeting of the Board during which an unsolicited proposal that is exempt is discussed is non-public. Board meetings to discuss exempt unsolicited proposals shall be conducted in accordance with Policy 0166, Non-Public Meetings, and called and noticed in the same manner as a special meeting under Policy 0164, Notice of Meetings, and Policy 0165, Public Meetings.~~

~~A complete recording must be made of any portion of an exempt meeting. No portion of the meetings may be held off the record. The recording of, and any records generated during, the exempt meeting are exempt from F.S. 119.07(1) and Section 24(a), Art. I, Fl. Constitution, until such time as the Board provides notice~~

~~of an intended decision for a qualifying project or 180 days after receipt of the unsolicited proposal by the Board if the Board does not issue a competitive solicitation for the project. If the Board rejects all proposals and concurrently provides notice of its intent to reissue a competitive solicitation, the recording and any records generated at the exempt meeting remain exempt from F.S. 119.07(1) and Section 24(a), Art. I, Florida Constitution, until the Board provides notice of an intended decision concerning the reissued competitive solicitation or until the Board withdraws the reissued competitive solicitation for the project. A recording and any records generated during an exempt meeting are exempt for no longer than ninety (90) days after the initial notice by the Board rejecting all proposals.~~

E. Security and Fire Safety System Plan Meetings

In accordance with F.S. 119.071(3), 281.301, and 286.0113(1), (3), (4), the Board may meet privately in confidential session to discuss issues related directly to or that would reveal the security or fire safety system plans for any property owned by or leased to the Board.

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

The Superintendent and/or the Chair of the Board shall notify the Board of the need for a confidential session to discuss security or fire safety system plans under this section at the earliest practical date before the session is scheduled. The Board may also convene a confidential session under this section during any public meeting should the need arise.

These meetings are exempt from the requirements of the Sunshine law. No notice of the meeting ~~or recording of the meeting~~ is required. Any discussion held during these sessions and any materials presented are confidential and may not be publicly disclosed. **However, no portion of an exempt meeting under this section may be off the record. All exempt portions of such meeting shall be recorded and transcribed. Such recordings and transcripts are confidential and exempt from disclosure under s. 119.07(1) and s. 24(a), Art. I of the State Constitution unless a court of competent jurisdiction, after an in camera review, determines that the meeting was not restricted to the discussion of the information made exempt by s. 119.071(3)(e)1.a. or b. In the event of such a judicial determination, only that portion of the recording and transcript which reveals nonexempt information may be disclosed to a third party.**

F. Penalties for Violation of Confidentiality of Closed Sessions

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

G. Settlement Authority

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

H. Scheduling

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

In addition, 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 non-public meeting on a given date, shall the meeting be scheduled. At least two (2) optional dates for these meetings shall be proffered to Board members when polling. Once the meeting has been scheduled, the meeting may be held even if a quorum is not present for all non-public meetings except those for exempt meetings to consider public-private partnerships and unsolicited proposals for which a quorum must be present to conduct the meeting.

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Legal

- F.S. 282.318
- Fla. Const., Art. I, s. 24
- F.S. 119.0725
- F.S. 447.605
- F.S. 119.07
- F.S. 119.071
- F.S. 281.301
- F.S. 286.011
- F.S. 286.0113



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8660 - **ALTERNATIVE TRANSPORTATION METHODS**~~TRANSPORTING STUDENTS BY PRIVATE VEHICLES~~

### **I. Regular Transportation - In School Buses**

School buses, as defined in Florida statutes, shall be used for all regular transportation of students, pre-kindergarten through grade 12. "Regular transportation" or "regular use" means transportation to and from school or school-related activities which are part of a scheduled series or sequence of events to the same location. School buses are to be used whenever practical.

### **II. Regular Transportation - In Other Vehicles**

Regular transportation of students in motor vehicles other than school buses may occur only when the transportation is:

- A. for a physically handicapped or isolated student and the Board has elected to provide for the transportation of the student through written contracts or agreements;
- B. part of a comprehensive contract for a specialized educational program between the Board and a service provider for instruction, transportation, and other services;
- C. provided through a public transit system; or
- D. is for trips to and from school sites or agricultural education sites or for trips to and from agricultural education-related events or competitions but is not customary transportation between a student's residence and such sites; and
- E. for trips to and from school sites to allow students to participate in a career education program that is not offered at the high school in which such students are enrolled but is not customary transportation between a student's residence and such sites.

When the **regular** transportation of students is provided, as authorized ~~above in this policy~~, in a vehicle other than a school bus that is owned, operated, rented, contracted, or leased by the District, the following provisions shall apply:

- A. The vehicle must be ~~a passenger car or multipurpose passenger vehicle or truck, as defined in 49 C.F.R. Part 571,~~ designed to transport fewer than ten (10) students **or be a multifunction school activity bus, as defined in 49 C.F.R. Part 571.3, if designed to transport more than ten (10) persons.** Students must be transported in designated seating positions and must use the occupant crash protection system provided by the manufacturer unless the student's physical condition prohibits such use.
- B. An authorized vehicle may not be driven by a student on a public right-of-way. An authorized vehicle may be driven by a student on school or private property as part of the student's educational curriculum if no other student is in the vehicle.
- C. The driver of an authorized vehicle transporting students must maintain a valid driver license and must comply with the requirements of the District's locally adopted safe driver plan, which includes a review of driving records for disqualifying violations.

### **III. Transportation by Private Vehicles**



