

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

SUBJECT: **FINAL READING: PROPOSED AMENDMENTS TO SCHOOL BOARD POLICIES 9125, *DISTRICT ADVISORY AND OTHER DISTRICT COMMITTEE MEETINGS*, & 9140, *CITIZENS' ADVISORY COMMITTEES***

COMMITTEE: **FISCAL ACCOUNTABILITY AND GOVERNMENT RELATIONS**

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

Consistent with the Board's responsibility to periodically review and update its policies, authorization is requested to amend Policies 9125, *District Advisory and Other District Committee Meetings*, and 9140, *Citizens' Advisory Committees*. These policies are proposed for amendment to clarify meeting requirements in addition to the attendance, participation and voting options available to Board members, District staff, and the public at committee meetings hosted by the District.

Policies 9125 and 9140 are both proposed for amendment to clarify that although any member of a committee may attend and participate in committee meetings through virtual means, no official action, such as a committee vote, can be taken at a meeting unless a physical quorum is established. Additionally, consistent with Board Item H-6 of the June 2024 regular meeting, "Hybrid Citizens' Advisory Committee Meetings," proffered by Board Member Luisa Santos, both policies are also revised to clarify that the Superintendent must provide consistent, public access to committee meetings and may broadcast such meetings virtually for public viewing.

The Notice of Intended Action was published in the Miami Herald on September 16, 2024, 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 policies with strikethroughs and underlines are attached.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, amend School Board Policies 9125, *District Advisory and Other District Committee Meetings*, and 9140, *Citizens' Advisory Committees*, and authorize the Superintendent to file the policies with The School Board of Miami-Dade County, Florida, to be effective October 16, 2024.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on September 11, 2024, its intention to amend Policies 9125, *District Advisory and Other District Committee Meetings*, and 9140, *Citizens' Advisory Committees*, at its meeting of October 16, 2024.

PURPOSE AND EFFECT: Policies 9125, *District Advisory and Other District Committee Meetings*, and 9140, *Citizens' Advisory Committees*, are proposed for amendment to provide added clarity on committee meetings hosted by the District. Policy 9140 is also proposed to be renamed.

SUMMARY: Policies 9125, *District Advisory and Other District Committee Meetings*, and 9140, *Citizens' Advisory Committees*, are proposed for amendment to clarify that although any member of a committee may attend and participate in committee meetings through virtual means, no official action, such as a committee vote, can be taken at a meeting unless a physical quorum is established. The policies are also revised to clarify that the Superintendent must provide consistent, public access to committee meetings, and may broadcast such meetings virtually for public viewing.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: Fla. Stat. ss. 120.81; 1001.41 (1), (2); 1001.42.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: Fla. Stat. ss. 286.011; 1001.372; 1001.43(10).

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF October 16, 2024, 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 October 8, 2024, 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 16, 2024 - <u>Final</u> Reading
Title	DISTRICT ADVISORY AND OTHER DISTRICT COMMITTEE MEETINGS
Code	9125
Status	<u>Final</u> Reading

9125 - **DISTRICT ADVISORY AND OTHER DISTRICT COMMITTEE MEETINGS**

I. **Establishment of District Committee Meetings**

The Superintendent and administrative staff are encouraged to provide for the creation of appropriate organizations such as councils, cabinets, and committees that will foster communication with the community, parents, and staff and support the District's objectives.

All District Advisory Committee, sub-committee, and other District committee meetings ~~established pursuant to School Board policy~~ shall be held in open public sessions and all materials made in connection with official business of these meetings and not exempt from disclosure pursuant to Florida statutes are open for public inspection, pursuant to Florida's Government-in-the-Sunshine and Public Records Laws, F.S. Chapters 286.011 and 119. School Board members shall have the right to attend and may participate in any such meetings.

II. **Meeting Notification Procedures**

~~District Advisory Committees, Attendance Boundary Committee, All committees not identified in Policy 9140, Citizens' Advisory Committees, including but not limited to~~ Educational Excellence School Advisory Councils (EESACs), ~~Citizens' Advisory Committees established by the Board, and all other committees established pursuant to Board policy are to~~ must use the following procedures for publication and posting of the District's meeting announcements:

- A. A notice of a meeting at a location other than the Board Administration Building (SBAB) must be posted in a public area, such as a school lobby, where interested persons will see it at least seven (7) days before the meeting is to take place.
- B. All District advisory meetings and sub-committee meetings must be posted electronically to the Board's Citizen Information Center at least seven (7) days prior to the meeting. The day of posting will count as the first of the seven (7) days so long as the notice is posted before the scheduled start time of the meeting. The day of the meeting will count as the seventh day if the meeting is held after 4:30 p.m. The notice timelines for special and emergency meetings set forth in Board Policy 0164, *Notice of Meetings*, shall apply to any special and emergency meetings conducted by District Committees. The notice must reference the meeting's subject. If one exists, a copy of the agenda for the meeting must be provided to the Board's Citizen Information Center (SBAB Room 158, FAX 305-995-1151, Work Location No. 9043).

Procedures for posting notices of meetings can be found in the User Guide at

<http://ehandbooks@dadeschools.net>.

- C. If a meeting has been advertised but cannot be held and must be canceled due to circumstances beyond the District's control (i.e., act of God or force majeure war, labor strike, or extreme weather), the re-notice of the meeting shall only require forty-eight (48) hours notice for the meeting.
- D. Cancellations of meetings must also be posted. To cancel a meeting, locate the meeting on the District's website, and use the password provided at the time of posting. Upon receipt of the e-mail confirming cancellation, the hardcopy of the notice of cancellation should be printed and used to replace or cover the original meeting announcement at the work location.

III. **Quorum & Virtual Meetings**

A physical quorum must be present for official action to be taken at all District Advisory Committee and other District committee meetings established pursuant to Board policy. If a physical quorum is established, other Committee members may direct a request to the Committee liaison's [department](#) to ~~attend and~~ participate [in official action](#) through use of telecommunications networks, such as telephonic and video conferencing. [If no physical quorum is established, the meeting can take place in person and/or through available telecommunications identified on the meeting notice, but no official action can be taken unless a physical quorum is established at some point during the meeting. If no official action can be taken at the meeting due to the lack of a physical quorum, action on those matters not voted on due to the lack of physical quorum may be taken at a subsequent meeting.](#) If telecommunication access is made available for the meeting, Board members and staff may attend in person or through use of the telecommunications network utilized.

IV. **Public Access**

The Superintendent shall make all necessary arrangements to allow for [consistent](#), public access to these meetings to the extent required by applicable law and policy. [These meetings may also be broadcasted virtually. Such means of accessing meetings](#) will be specified in the Notice for the meetings.

V. **Additional Requirements**

- A. Minutes of all meetings must be kept.
- B. The following statement should appear on every notice of a meeting: If a person wishes to appeal any decision made with respect to any matter considered at this meeting (hearing), such a person should ensure the preparation of a verbatim record of the proceedings including the testimony and evidence upon which the appeal is to be based.
- C. Committees should conduct some form of vote on all substantive issues that are to be recommended to the Board.
- D. No meeting may be held at any facility or location that discriminates on the basis of sex, race, color, religion, ethnic or national origin, political beliefs, marital status, age, gender, gender identification, sexual orientation, social and family background, linguistic preference, disability, or economic status or that operates in such a manner as to unreasonably restrict public access to such a facility.
- E. The following access statement must appear on every notice of a meeting:

If you have a disability that requires an accommodation, you may call the individual listed as the Contact Person for the above-posted meeting or call the Telecommunications Device for the Deaf (TDD) at (305) 995-2400. Requests for accommodations or assistance must be made at least forty-eight (48) hours in advance. For special equipment (chair lifts, special wheel chairs, etc.) or other special assistance, such as a sign language interpreter or meeting materials, the request for assistance must be made at least five (5) days in advance. Should you have any questions or concerns regarding compliance with the

Americans with Disabilities Act (ADA), you should contact the Division of Facilities ADA Compliance, at (305) 995-4650.

Effective 7/1/11
Revised 9/7/11
Revised 8/18/21

© **Miami-Dade 2021**

Legal References: F.S. Ch. 119
 F.S. 286.011
 F.S. 286.0114
 F.S. 1001.41(1), (2)
 F.S. 1001.43(10)
 F.S. 1001.452
 Fla. Atty. Gen. Op. 85-76
 Fla. Atty. Gen. Op. 95-06
 Fla. Atty. Gen. Op. 05-05

Adoption Date: **05.11.2011**
Classification:
Revised Dates: ; **08.18.2021**



Book Policy Manual
Section October 16, 2024 - Final Reading
Title **CITIZENS' ADVISORY COMMITTEES**
Code 9140
Status Final Reading

9140 - **CITIZENS' ADVISORY COMMITTEES**

I. Establishment of Advisory Committees

In addition to the District Committees referenced in Board Policy 9125, District Advisory and Other District Committee Meetings, the School Board ~~may~~ has established citizen advisory committees through Board Policies ~~when there is to perform a definite and designated functions to be performed on its behalf.~~ The advisory committees referenced in this policy and to which this policy applies are to the Audit and Budget Advisory Committee, the Ethics Advisory Committee, the Achievement Gap Oversight Committee, the Diversity Equity and Excellence Advisory Committee, the 21st Century Schools Bond Advisory Committee, the Technology Advisory Committee, the Secure Our Future Advisory Committee, the Educational Materials Advisory Committee, the Small/Micro, Minority/Women, and Veteran Business Advisory Committee, and the Attendance Boundary Advisory Committee, the District Wellness Advisory Committee, and the School Site Planning and Construction Committee.

I.

- A. The structure, organization, and appointment of an advisory committee shall be appropriate to the assignment or as specified in the policy creating the committee.
- B. Advisory committees shall be encouraged to draw upon a wide variety of resources both inside and outside the School District.
- C. Each advisory committee shall be encouraged to include other local residents and to recommend to the Board the official appointment of any such additional member(s) as the committee may desire.
- D. The Miami-Dade Council of PTAs/PTSAs may appoint a member and an alternate to each committee that is:
 - 1. specifically created by Board policy and in which each Board member and the Superintendent appoint a member; and,
 - 2. any other committee as deemed appropriate by the Board.

- E. As required by F.S. Chapter 112, a registered lobbyist, as defined in Policy 8150, *Lobbyists*, serving on an advisory committee and who holds any employment or contractual relationship that will create a continuing or frequently recurring conflict between his/her private interests and the performance of his/her public duties, must immediately resign from the committee. In addition, a registered lobbyist must abstain from voting or participating on committee recommendations that directly impact a client's interest for which the lobbyist was retained.
- F. Advisory committees shall not have term limits for Board member appointees.
- G. Advisory committees shall allow for the appointment of alternates by Board members. Alternates must be notified of all advisory committee meetings, invited to attend the meetings, and provided with all materials in the same manner as appointed representatives. The alternate shall serve as a voting member of the committee only in the absence of the appointed representative.
- H. Advisory committees shall conduct their meetings in accordance with the latest edition of *Robert's Rules of Parliamentary Procedure, Newly Revised (Robert's Rules)*. Committee members shall be provided appropriate training on parliamentary procedure under *Robert's Rules* at least every two (2) years, or as needed or requested. The General Counsel's Office shall assign an attorney to serve as parliamentarian for each Board advisory committee governed by this policy.

II. **Criteria for School Board Appointees**

Advisory committee members appointed by the Board and individual Board members shall meet the following criteria:

A. Residency

All appointees shall be permanent Miami-Dade County residents and have reputations for integrity and community service. A member of an advisory committee who ceases to be a Miami-Dade County resident must resign from the committee.

B. Conflict of Interest

All advisory committee members must comply with the *Code of Ethics of Public Officers and Employees* in F.S. Chapter 112, as it applies to employees, and certify in writing that they will comply with applicable ethical guidelines. In addition, the following requirements shall apply.

1. No person shall be appointed if, at the time of appointment, the person has filed a lawsuit against the Board that is pending and/or a challenge to a Board policy.
2. Appointees shall not serve on a committee that regulates or monitors their livelihood.
3. If an appointee qualifies as a candidate for elective political office during the appointed term, the qualification shall be deemed a resignation from the committee.
4. No person shall be appointed in violation of State or Federal law, or Board policies.

C. Multiple Appointments

No person shall be appointed by the Board or an individual Board member to serve simultaneously on more than two (2) advisory committees. A person may be appointed to serve simultaneously on more than two (2) committees if appointed by different Board members.

D. Applicability

These requirements apply to Board appointments to all advisory committees unless there are alternate criteria provided in Board policies that establish a specific advisory committee. These requirements, however, do not apply to Board appointments of Board members to District advisory committees; referenced in Board Policy 9125, District Advisory and Other District Committee Meetings. These requirements also do not apply to ad hoc committees created by the Board or the Superintendent, unless otherwise specified by the Board.

III. Expenditures

Expenditure of District funds by an advisory committee shall be made only upon the prior approval of the Superintendent. Supplies, equipment, and personnel from within the School District may be obtained through the appointed staff resource person.

IV. Communication

Correspondence between the Board and its committees shall ordinarily be conducted by the Superintendent.

The Superintendent should transmit the contents of any communication or report from a committee to the Board, as appropriate.

V. Board Authority

The Board shall have the sole power to dissolve any of its advisory committees and shall reserve the right to exercise this power at any time during the life of any committee.

Board members shall have the right to attend and may participate in any District or Board advisory committee.

VI. Notice

Notice for any Board Advisory Committee meeting shall be in accordance with the meeting notification procedures set forth in Board Policy 9125, *District Advisory & Other District Committee Meetings*. The notice shall include the means or method by which the public attend the meeting or access the virtual meeting.

VII. Meeting Location and Time

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

VIII. Quorum & Virtual Meetings

A physical quorum must be present for official action to be taken at all Board Advisory Committee meetings. If a physical quorum is established, other Committee members may direct a request to the Committee liaison's department to ~~attend and~~ participate in official action through use of telecommunications networks, such as telephonic and video conferencing. If no physical quorum is established, the meeting can take place in person and/or through available telecommunications identified on the meeting notice, but no official action can be taken unless a physical quorum is established at some point during the meeting. If no official action can be taken at the meeting due to the lack of a physical quorum, action on those matters not voted on due to the lack of physical quorum may be taken at a subsequent meeting. If telecommunication access is made available for the meeting, Board members and staff may attend in person or through use of the telecommunications network utilized.

IX. Additional Meeting Requirements

- A. Minutes of all meetings must be kept.
- B. The following statement should appear on every notice of a meeting: If a person wishes to appeal any decision made with respect to any matter considered at this meeting (hearing), such a person should ensure the preparation of a verbatim record of the proceedings including the testimony and evidence upon which the appeal is to be based.
- C. Committees should conduct some form of vote on all substantive issues that are to be recommended to the Board.
- D. No meeting may be held at any facility or location that discriminates on the basis of sex, race, color, religion, ethnic or national origin, political beliefs, marital status, age, gender, gender identification, sexual orientation, social and family background, linguistic preference, disability, or economic status or that operates in such a manner as to unreasonably restrict public access to such a facility.
- E. The following access statement must appear on every notice of a meeting:

If you have a disability that requires an accommodation, you may call the individual listed as the Contact Person for the above-posted meeting or call the Telecommunications Device for the Deaf (TDD) at (305) 995-2400. Requests for accommodations or assistance must be made at least forty-eight (48) hours in advance. For special equipment (chair lifts, special wheel chairs, etc.) or other special assistance, such as a sign language interpreter or meeting materials, the request for assistance must be made at least five (5) days in advance. Should you have any questions or concerns regarding compliance with the Americans with Disabilities Act (ADA), you should contact the Division of Facilities ADA Compliance, at (305) 995-4650.

VIII.

IX.X. Public Access

The Superintendent shall make all necessary arrangements to allow for consistent, public access to these meetings to the extent required by applicable law and policy. These meetings may also be broadcasted virtually. Such means of accessing meetings will be specified in the Notice for the meetings.

X.XI. Relationship to Other Policies

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

Effective 7/1/11
Revised 10/19/11
Revised 4/18/12
Revised 11/15/17
Revised 4/25/18
Revised 8/18/21
Technical Correction 11/16/22

© Neola 2005

Legal References: F.S. 1001.41(1), (2), (5)
F.S. 1001.42(25)

F.S. 1001.43(10)
F.S. 286.011
F.S. 286.0114
Fla. Atty. Gen. Op. 98-28
Fla. Atty. Gen. Op. 03-41
Fla. Atty. Gen. Op. 20-03

Adoption Date: **05.11.2011**
Classification:
Revised Dates: ; **11.16.2022**
