

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

SUBJECT: INITIAL **READING: PROPOSED AMENDMENTS TO POLICY 9142, DIVERSITY EQUITY AND EXCELLENCE ADVISORY COMMITTEE**

COMMITTEE: **FISCAL ACCOUNTABILITY AND GOVERNMENT RELATIONS**

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

Consistent with the Board’s responsibility to review and amend policies to ensure legal compliance and conform to changes in District practices, authorization is requested for the Superintendent to initiate rulemaking proceedings to amend Policy 9142, *Diversity Equity and Excellence Advisory Committee*.

Policy 9142, *Diversity Equity and Excellence Advisory Committee*, is proposed for amendment to incorporate a new committee name, “Educational Opportunity and Access Advisory Committee,” that better reflects the committee’s purpose and responsibilities and aligns with Florida law. Substantively, the committee’s composition, responsibilities, and meeting procedures would be unchanged. Some provisions, however, would be deleted as duplicative of those found in Policy 9140, *Citizens’ Advisory Committees*, and the committee’s scope of responsibilities would be slightly revised to parallel those of the Florida Department of Education’s Office of Equal Educational Opportunity. References to F.S. 1000.05, Florida’s Educational Equity Act, would also be incorporated in the definitions section. The amended policy would further require that the committee’s recommendations to the Board comply with federal and state laws.

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

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Policy 9142, *Diversity Equity and Excellence Advisory Committee*.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 23, 2025, its intention to amend School Board Policy 9142, *Diversity Equity and Excellence Advisory Committee*, at its meeting of September 10, 2025.

PURPOSE AND EFFECT: Policy 9142, *Diversity Equity and Excellence Advisory Committee*, is proposed for amendment to change the committee name, clarify provisions governing committee membership and meetings, incorporate references to state laws prohibiting discrimination, and require that the committees' recommendations align with federal and state laws and regulations.

SUMMARY: Policy 9142, *Diversity Equity and Excellence Advisory Committee*, is proposed for amendment to incorporate a new committee name, "Educational Opportunity and Access Advisory Committee," that better reflects the committee's purpose and responsibilities and aligns with Florida law. The committee's composition, responsibilities, and meeting procedures would be unchanged. Some provisions, however, would be deleted as duplicative of those found in other policies, and the committee's scope of responsibilities would be slightly revised to parallel those of the Florida Department of Education's Office of Equal Educational Opportunity. The replacement policy would additionally require that the committee's recommendations to the Board comply with federal and state laws, and a reference to Florida's Educational Equity Act would be added to a definition.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: Fla. Stat. ss. 1001.41(1)–(2), 1001.43(5), (10)

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: Fla. Stat. s. 1001.452

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF September 10, 2025, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by August 19, 2025, 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, REPEALED, AND REPLACED POLICIES 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	July 23, 2025 - <u>Initial</u> Reading
Title	DIVERSITY EQUITY AND EXCELLENCE ADVISORY COMMITTEE
Code	9142
Status	<u>Initial</u> Reading

9142 - ~~EDUCATIONAL OPPORTUNITY AND ACCESS~~ ~~DIVERSITY EQUITY AND EXCELLENCE~~ ADVISORY COMMITTEE

~~Pursuant to the United States District Court order, issued by Judge William Dimitrouleas issued on June 21, 2001, and modified on August 16, 2001, which declared~~ In 2001, the District was declared unitary pursuant to a United States District Court order, the Diversity Equity and Excellence Advisory Committee was established. The purpose of this policy is to maintain the District's unitary status by establishing an the Educational Opportunity and Access Advisory Committee (EOAAC). ~~Diversity, Equity and Excellence Advisory Committee (DEEAC)~~ The EOAAC is responsible for ~~to~~ reviewing issues and making recommendations to the School Board ~~(Board)~~ and Superintendent with the goal of eliminating disparities and educational barriers and continue progressing toward racial parity and diversity. The core purpose and objective of the ~~DEEAC-EOAAC~~ is to serve as an advisory body to the Board to assist the District with creating and maintaining a multicultural school system by providing equal access and equal opportunity in its programs, services and activities to all students and staff regardless of race, sex, national origin, disability, age, or marital status.

Nationally known experts consulted by the Board during the legal process that established Miami-Dade County Public Schools as a unitary school system in 2001 concluded that disparities remained in Black, White, and Hispanic student participation in the areas of special education and, advanced academics, and in ~~the~~ frequency how often these students encountered educational barriers such as suspension, expulsion, and retention.

I. **Definitions**

For purposes of this policy, the following definitions apply.

- A. *Diversity Factors* shall be defined as individual differences among students and employees ~~on the basis of~~based on sex, race, ethnicity, [national origin, disability, age, marital](#) and economic status.
- B. *Equity* ~~is defined, consistent with the Florida Educational Equity Act (F.S. 1000.05), as the prohibition of discrimination and the assurance of equal access and opportunity in public education. In a manner consistent with the Florida Education Equity Act, it is defined~~ ~~shall be defined~~ as cultivating an environment through policies, practices, and programs to provide equal access in student and employment programs, activities, resources, services and operations, with the goal of (a) eliminating educational barriers based on sex, race, ethnicity, [national origin, disability, age, marital](#) and economic status; (b) providing equal educational opportunities; (c) ensuring student opportunities meet the same rigorous standards for student performance; and (d) ensuring parity of resources for students.
- C. *School Year* ~~begins on~~ is defined as July 1 ~~and ends to~~ the following June 30.

II. **Committee Membership**

- A. Membership shall be comprised of eleven (11) members, one (1) to be appointed by each Board member and two (2) to be appointed by the Superintendent; [provided, however, that the membership can be expanded to twelve \(12\) members if the Miami-Dade County Council of PTAs/PTSAs \(PTA\) appoints an additional member. Membership shall be](#) consistent with the requirements of Policy 9140, *Citizens' Advisory Committees*. Each Board member, ~~and~~ the Superintendent, [and the PTA \(as applicable\)](#) shall also appoint alternate members.
- B. A member shall be automatically removed if the member is absent from three (3) consecutive regular meetings during the school year or is absent from more than half of all committee meetings held during the school year. However, if an alternate member is present in a member's absence, the absence will not be counted against the member.
- C. [Members shall serve at the pleasure of their appointing party \(Board members, the Superintendent, and the PTA, as applicable\). The term of service for each member shall be four \(4\) years and/or shall run concurrently with the term of service of the respective Board member or Superintendent.](#) A member may be reappointed when ~~their~~ [his or her](#) term ~~has~~ [is](#) concluded.
- D. If a vacancy occurs, the alternate shall serve [as a member](#) unless and until the respective Board member or Superintendent appoints a new member to the committee which may be the alternate.

E. Newly elected or appointed Board members and/or Superintendent shall have the discretion to reappoint the former Board member's or Superintendent's appointee or to appoint a new member. An incumbent member may remain on the ~~DEEAC~~EOAAC until a new member is appointed.

~~F. The Miami-Dade County Council of PTAs/PTSAs (PTA) may appoint a member and an alternate. If the PTA appoints a member, that member is counted for purposes of a quorum and the member is subject to the automatic removal provision for absences in Paragraph B above in this section.~~

~~G.F.~~ G.F. The ~~DEEAC~~EOAAC shall elect a chair and vice-chair at the first meeting of the school year in which the term of the incumbent chair or vice-chair has ended. The term of office for each is two (2) school years. ~~By majority vote of the DEEAC, a member may serve more than two consecutive terms as either chair or vice-chair.~~

~~H.G.~~ H.G. Individual members, including officers, have no authority to commit the ~~DEEAC~~EOAAC to any action other than that specifically approved by the ~~DEEAC~~EOAAC in a publicly noticed meeting.

~~I.H.~~ I.H. Each newly appointed member and alternate shall receive training on the ~~DEEAC~~EOAAC's history, mission, purpose, this policy, and related Board policies, from appropriate District staff.

III. **Scope of Responsibilities**

~~A.~~ A. The EOAAC is responsible for making recommendations to the Board ensuring that the District school system complies with all Federal and State laws and regulations prohibiting illegal discrimination based on protected characteristics, including but not limited to race, color, national origin, sex, age, religion, and disability.

~~B.~~ B. The ~~DEEAC~~EOAAC shall review and may make recommendations regarding the:

~~A.1.~~ A.1. the implementation of Board policies and district-wide programs based on achieving maintaining the District's unitary ~~commitments~~, status and diversity and equity for all students;

~~B.2.~~ B.2. Board policies relating to student enrollment, recruitment, school assignment and reassignment;

~~3.~~ 3. attendance boundary zones, including but not limited to, all proposals to open, close and/or repurpose schools;

~~C.4.~~ C.4. and the allocation/placement of programs;

~~D~~.5. recruitment, assignment and composition of personnel at schools, regional centers, and District administrative offices;

~~E~~.6. transportation options for students to Districtwide magnet schools ~~and~~; other schools/programs of choice;

~~F~~.7. student disciplinary actions;

~~G~~.8. the District's selection of school sites;

~~H~~.9. access to advanced, honors, advanced placement courses, gifted/talented programs, and access to post-secondary programs;

~~I~~.10. access to ~~children with exceptionalities~~ exceptional student education programs and differentiated schools/programs, and access to programs that meet individual students' needs and maximize potential;

~~J~~.11. Board policies, programs, and District practices regarding retention and graduation rates;

~~K~~.12. schools and programs of choice, ~~and the~~ selection and placement of schools and programs of choice;

~~L~~.13. the equitable distribution of educational funding, resources and services;

~~M~~.14. annual educational equity ~~District diversity~~ compliance reports; and

15. other matters as may be assigned by the Board and/or the Superintendent.

~~N~~.

C. The EOAAC's recommendations must align all Federal and State laws and regulations, and all requirements and regulations of the Florida Department of Education (FLDOE) and U.S. Department of Education.-

IV. **Annual Report**

~~DEEAGE~~EOAAC reviews and recommendations shall be reported on an annual basis to the Board by June 30th of each school year (Annual Report). The ~~DEEAGE~~EOAAC shall be responsible for determining the content of this report, which will be limited to the EOAAC's reviews and recommendations. This ~~a~~Annual ~~r~~Report shall assess the implementation of Board policies, practices and District-wide programs to ensure that the District maintains its commitment to provide a high-quality education to all students—a commitment that was made to the Court and the community upon receiving

unitary status. The Annual Report may also include a summary of the DEEAGEOAAC's activities during the year.

- A. In August of each school year, or as soon thereafter as possible, the DEEAGEOAAC shall select one or more topics within the scope of this policy for the next Annual Report.
- B. The DEEAGEOAAC shall develop a workplan that includes action steps, deliverables, and timelines to support the development and completion of the Annual Report and that addresses the selected topic(s). The workplan should include data requirements and research requests to be provided by District staff.
- C. District staff shall transmit requested information to the DEEAGEOAAC within a reasonable time and provide regular updates regarding the development of the report.
- D. District staff shall provide the DEEAGEOAAC a draft of the Annual Report based on the District data analysis and findings, input, and recommendations provided by DEEAGEOAAC.

V. **Meetings**

- A. The DEEAGEOAAC shall hold ~~at least~~ six (6) regular meetings throughout the school year, if necessary, and shall meet all of the requirements of the Sunshine and Public Records laws, F.S. Chapter 119 and 286.011. Other meetings, including workshops, task force meetings, and subcommittee meetings may be scheduled as determined by the DEEAGEOAAC.
- B. Meeting dates and times shall be determined by the DEEAGEOAAC prior to the first meeting of every school year.
- C. If a member is appointed by the PTA, seven (7) members shall constitute a quorum for the DEEAGEOAAC to conduct business. If no member is appointed by the PTA, a quorum shall be six (6) members. Members must be physically present at the meeting to vote.
- D. The DEEAGEOAAC shall conduct its 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 procedures 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 and legal advisor.
- E. The Chair shall preside at all meetings. The Vice-Chair shall serve as the Chair when the Chair is unavailable and perform such other duties from

time to time as may be assigned by the Chair.

- F. The Chair shall prepare the regular meeting agenda in collaboration with District staff. District staff shall distribute the agenda and meeting materials in accordance with Board policy.
- G. Each member shall have one vote. A voting member must be present to vote.
- H. The ~~DEEAGE~~EOAAC may adopt bylaws as it deems necessary. Any bylaws must be consistent with this policy and approved by the Board.

VI. Public and Other Advisory Committees

- A. In August of each school year, or as required or requested by other Board and/or District advisory committees, ~~the DEEAGE~~EOAAC shall elect representatives to serve on other District advisory committees.
- B. ~~DEEAGE~~EOAAC members shall also facilitate and/or attend public meetings and Board conference sessions and meetings related to ~~the DEEAGE~~EOAAC's purpose.
- C. ~~DEEAGE~~EOAAC representatives on other District advisory committees and ~~DEEAGE~~EOAAC members who attend public meetings related to ~~the DEEAGE~~EOAAC's purpose should provide a brief written summary of ~~the such~~ meetings to ~~the EOAAC be submitted~~ no later than the next regularly scheduled ~~DEEAGE~~EOAAC meeting.

VII. District Staff Support and Organizational Structure

- A. District staff, as assigned by the Superintendent, shall serve as the District's liaison ~~and~~ provide administrative support to the ~~DEEAGE~~EOAAC, including arranging and scheduling meetings ~~per at DEEAGE~~EOAAC's direction; ~~publishing and distributing meeting notices and agendas in accordance with Board policies;~~ establishing the agenda in collaboration with the Chair; ~~keeping the meeting minutes;~~ gathering relevant documentation for distribution to members; ~~and assisting with drafting and submitting the Annual Report.~~
- B. In accordance with the Board's goal of eliminating disparities ~~and~~ educational barriers, ~~and in furthering educational equity, the continuation towards racial parity and diversity, the structure of support for DEEAC within the District's organizational plan, is to facilitate the performance of the scope of~~ District must assist the EOAAC in exercising its responsibilities, ~~provide the EOAAC of the DEEAC in~~ an autonomous environment, and ~~give the EOAAC shall have~~ priority consideration.

Effective 7/1/11

Revised 4/18/12
Revised 4/13/16
Revised 8/12/20
Technical Correction 11/16/22

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Legal References: [F.S. 1000.05](#)
F.S. 1001.41(1)(2)
F.S. 1001.42(26)
F.S. 1001.43(10)
Pate v. The School Board of Miami-Dade County,
Florida, Case No. 69-1020-CIV-Dimitrouleas, Order of
June 21, 2001 as modified by order of August 16, 2001.

~~Adoption Date: 05..11.2011~~
~~Classification:~~
~~Revised Dates: ; 11.16.2022~~
