

- the potential for costly lawsuits, despite the “no cost” factor mentioned in the bill.

ITEM SP-2 CONT'D.

She expressed her continued confidence in the State Legislature and the Dade Delegation in doing their best to help this district.

Further discussion ensued about the bill during which time Ms. Regalado spoke to the bill's credibility in relation to its sponsor.

Dr. Karp then spoke of a lack of research findings as a best practice to support this method of governance.

Upon call of the question, the Chair entertained a motion to vote on the proposal, as amended. Dr. Feldman so moved, seconded by Ms. Regalado. Upon vote being taken, the same carried 8-0. Mr. Diaz de la Portilla was absent from today's meeting.

The Chair then entertained a motion to move Agenda Item SP-1 to the floor for consideration. Dr. Feldman so moved, seconded by Dr. Bendross-Mindingall.

MOVED SP-1 TO FLOOR

SP-1

Mr. Alberto M. Carvalho, Superintendent of Schools, and Mr. Walter J. Harvey, Board Attorney, Office of School Board Attorney, 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 repeal all existing Board rules and replace with the proposed policies.

114.806
AUTHORIZED
INITIATION OF
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The Chair recognized Mr. Harvey who provided Board members and the public with an overview of the historic and monumental task of revising and updating the over 500 School Board rules/policies. It was noted that the School Board contracted with Northeast Ohio Learning Associates, Inc. (“NEOLA”) to assist with this undertaking, in compliance with Section 120.74, F.S.

During his remarks, Mr. Harvey expressed that the proposed policies were developed based on legal requirements, best practices, and the experience of District personnel, in providing educational services to the community. It was noted that controversial or substantive changes, not legally required, were avoided. He noted that these policies would continue to offer the governing principles that guide collective actions, in response to issues or circumstances that were likely to surface repeatedly.

Upon completion, the rules would be consistent with relevant federal and state laws, rules and regulations and the Board of Education's administrative rules, policies and procedures; would apply to each employee and school site; and, would foster consistent action where it is deemed necessary or desirable across the school district.

The proposed policies have been posted on the school district's website and are available to the general public for review and comment.

Mr. Harvey introduced the NEOLA representatives who were present at today's meeting: Mr. Tom Young, Mr. Dick Clapp, Ms. Amanda Clapp, and Mr. Frances St. James.

INTRODUCED
NEOLA REPRESENTATIVES

In closing, Mr. Harvey extended thanks to the School Board members and the Chair for their enthusiastic and devoted support of this project; the Superintendent, Cabinet and entire District staff for their tireless support; and, in particular, Ms. Mindy McNichols, Ms. Marisol Marin and Dr. Dan Tosado for their efforts in coordinating this enormous task.

ITEM SP-1 CONT'D.

After the first reading, it is anticipated that the entire set of rules will be adopted at the May Board meeting, following which they would go into effect on July 1.

Ms. Helen B. Williams, The Rilya Wilson Advocacy Project, Inc., appeared before the Board to speak to this recommendation, during which time the School Board Attorney addressed her questions as to whether the School Board rule, which is a part of Florida Statute 1001.372(3), would be changed in anyway and what specific changes, if any, would be made.

SPEAKER

Mr. Harvey stated that the proposed set of policies meets the requirements of the statute, as well as those of the state Constitution.

Mr. Young gave complimentary remarks on the extraordinary accomplishments made by the District in this huge undertaking. He commended the Chair and the Superintendent for their leadership and the total commitment shown by Mr. Harvey and his staff, the Superintendent's Cabinet and their supporting administrators.

The Board was then informed that a number of technical corrections and format changes would be made, as well as required amendments to policies, after this legislative session. It was noted that changes may be mandated by the Legislature and that any changes would be brought back to the Board in the form of recommended policy changes, which is part of NEOLA's continuing responsibility to the Board and school district.

Mr. Young provided the following overview of the changes made in the Bylaws and Policies, as requested by the Board, during its recent workshop:

POLICY	SECTION	CHANGES (AS REQUESTED BY BOARD)
0141.1 - Student Advisor	Bylaws, 0140	Page 2 of 14, added the required "Orientation" details.
0152 - Officers	Bylaws, 0150	Page 1 of 33, added a provision that the Vice Chair may perform duties of the Chair, as authorized by the Chair, when the Chair is absent from meetings, out of the jurisdiction, or otherwise available.
0155 - School Board Committees	Bylaws, 0150	Pages 3-4 of 33, changed the additional outside non-voting membership from "shall be appointed" to "may be appointed."
0160 - Distribution of the Agenda	Bylaws, 0160	Pages 8-9 of 24, changed the requirement of the delivery of the agenda items to the Board from one day to two days before committee meetings.
0169 - Public Participation at Board Meetings	Bylaws, 0160	Pages 19 of 24, added language, under Decorum, prohibiting cell phone conversations while in the room, when a Board meeting is being conducted.

0169 - Scheduled Public Meetings	Bylaws, 0160	Page 20 of 24, added a provision that if a citizen signs up to speak on an item passed on consent, the speaker will be given additional time during the public hearing that the speaker would have received had it not passed on consent, provided the total time does not exceed 10 minutes.
1129.01 - Tutoring	Administration	<p>Page 1 of 1, added language to clarify that a tutor is not required to charge a fee for tutoring; but, if they do, they must make their own arrangements with the parents for the fee.</p> <p>Per question raised about staff becoming employed by or forming tutoring companies, after review of all policies related to Tutoring, the Code of Ethics, the Conflict of Interest, and the Conflicting Employment or Contractual Relationship, it was determined that the issue is adequately addressed.</p> <p><u>Note:</u> Same language is contained in Policy 3929.01 and Policy 4129.01.</p>
1232 - Political Activities	Administration	<p>Page 1 of 1, changed language to clarify where employees who are candidates shall notify the Superintendent upon filing to run. Also, changed language from "employee may take" personal leave to "the employee may be granted" personal leave.</p> <p><u>Note:</u> Same changes to be effected in sections 3232 and 4232.</p>
2215.01 - K-8 Centers	Program	<p>Page 1 - No change was made to indicate that K-8 is a favored education model, as staff is developing other non-traditional grade configuration education models.</p> <p><u>Note:</u> The policy will be amended to include these other types of non-traditional models and will be brought back to the Board at an appropriate time.</p>
2240 - Controversial Issues and Student Expression	Program	<p>Included language regarding the use of social media. Provisions were added to the Internet use policies regarding professional development for staff and education for students regarding safety and security, while using social media and other electronic communication. Staff and attorneys are also working on amending the <i>Code of Student Conduct</i> to address disciplinary action regarding the use of these electronic and social media.</p> <p><u>Note:</u> As technology advances, policy amendments will be brought forth.</p>
2370 - Magnet Programs/Schools	Program	<p>Included language that all magnet schools provide a waiting list and inform parents of their status on the waiting list.</p> <p><u>Note:</u> As a current practice, this is provided for in the procedures manual.</p>
2431- Interscholastic Athletics	Program	<p>Noted that this policy does not specifically address interscholastic athletics and K-8s. The reference to K-8s and a limited athletics is in the K-8 policy, Section 2215.01. Also, language was added that the verification of a student's athletic eligibility must be done at the school site.</p> <p><u>Note:</u> Concussion policies will be incorporated as they are developed and approved.</p>

2531 - Copyrighted Works	Program	Language is being developed to address music sampling. <u>Note:</u> When the language is developed and if it is not done in time for the adoption of these policies, it will be brought back to the Board as an amendment along with other amendments that are mandated, as a result of legislative enactments.
3000	Instructional Staff	No changes were made in this section, other than those changes referred to as companion policies in the 1000 Board policy series.
4000	Support Staff	Same as above.
5215 - Missing and Absent Children	Students	Staff will be addressing the addition of a clearing house/hotline for bus drivers, pursuant to ongoing review of policies related to missing children, abuse and neglect. <u>Note:</u> These changes may involve an amendment to the policy or the inclusion of these changes in the procedures to implement this policy.
5830 - Student Fundraising	Students	Page 1 of 4, clarified language on lines 18-19, to indicate that fundraising activities "shall be limited to two (2) weeks 'per activity,'..."
6320.02 - M/WBE Certification Procedures	Finances	Page 1 of 5, added the statutory definition of "Minority business ...," and added a provision allowing recognition of M/WBEs that are certified in other jurisdictions.
6460.01 - Business Development and Assistance Program	Finances	Same as above.
6610 - Internal Accounts	Finances	Amended to require that when principals bid out work for the school site on items that require three bids, one bid must be from a qualified M/WBE, if available. <u>Note:</u> Additional changes will be proposed following current review by staff, the Board Attorney's office and stakeholders.
6325 - Cone of Silence	Finances	Page 1 of 2, changed to provide that the Cone of Silence terminates at the Board committee meeting immediately prior to the Board meeting where the award will be considered.
6840 - Audit Committee	Finances	Changed the name "Audit Committee" to the name "Audit and Budget Advisory Committee," as approved by the Audit Committee and the Superintendent. <u>Note:</u> This expands the jurisdiction of the committee to include reviewing the budget.
7230 - Gifts to the School District	Property	Page 2 of 4, added a provision (lines 27-31) regarding distribution of free supplies and materials and clarified that these materials may acknowledge the donor but cannot contain advertising.
7540.03 - Student Network & Internet Acceptable Use&Safety	Property	Page 6 of 7, added the requirement that students receive education about safety and security while using e-mail, chat rooms, social media, and the dangers of disclosing personally identifiable information and the consequences of unauthorized access (e.g., hacking and cyber-bullying).

7540.04 - Staff Network & Internet Acceptable Use&Safety	Property	Added requirements and language that parallel the changes made in the student policy that staff participate in professional development programs that include the safety and security of students while using e-mail, chat rooms, social media, and the danger of students disclosing personally identifiable information.
8150 - Lobbyists	Operations	Added a provision for lobbyist fees to be reduced or waived.
8340 - Letters of Reference	Operations	Included school board staff and board members who write letters of reference. <u>Note:</u> Change was made to be more general and to cover all, and this is consistent with the change in the Code of Ethics established by the legislature two years ago.
8462 - Student Abuse and Neglect	Operations	Added procedures with regards to calling the Child Abuse Hotline and reporting calls to the administration.
9160 - Public Attendance at School Events	Community Relations	To be amended, lines 14-17 of the policy with the following replacement/substitute language: "Further, in accordance with the provisions of the Americans with Disabilities Act, as amended, the Board shall permit individuals with disabilities to be accompanied by their service animals in all areas of the district facilities where members of the public, as participants in services, programs, or activities, are allowed to go." <u>Note:</u> Pursuant to regulations promulgated at the federal level, the rules with regard to service animals have changed. Principals to be advised of new law. ***** Also to be amended, lines 18-20 of the policy with the following replacement/substitute language: "Recordings can be made by parents or other members of the audience without restriction, if the performance is not of copyrighted material. However, if the performance is of copyrighted material, recording can be made if the appropriate license authorizing such recordings has been secured. If performance of copyrighted material and the necessary license has not been secured, the audience shall be advised before the performance begins that audio or video recordings that will be re-broadcasted or distributed in any way, such as posting on the Internet, are prohibited." <u>Note:</u> It is now necessary to differentiate between performances that are of a general nature, or material that is in the public domain, or whether it is a performance of copyrighted material. Principals to be advised of new law.

The following policies were briefly discussed by members of the Board, district staff, and NEOLA:

Policy 2431- Interscholastic Athletics

Dr. Feldman asked whether 6th, 7th, and 8th grade students in the K-8 programs would be prohibited from participating in sports against other traditional middle schools. Mr. Woodson responded in the negative; however, indicated there would be a financial consideration.

Policy 6610 – Internal Accounts

Dr. Feldman asked whether the District would be providing school principals with a list of certified minority vendors. Mr. Young responded in the affirmative.

Policy 6325 – Cone of Silence

Dr. Feldman asked for a declarative explanation with regard to when the Cone of Silence would conclude.

Mr. Young explained that the change would effect termination of the Cone of Silence at the Board Committee meeting, immediately prior to the Board meeting where the issue would be considered.

Policy 7230 – Gifts to the School District

Upon citing line 24 of the policy, "If a donor does not specify how the gift or donation is to be used, the gift shall then be used at the discretion of the principal, director, or Superintendent," Dr. Feldman asked for clarification on where non-specified donations would go.

A debate on this issue ensued between Dr. Feldman and staff, during which an inconsistency in the language of the Board policy and the Manual of Internal Funds Accounting was discovered.

Upon staff's assessment, Mr. Woodson reported back to the Board that the word "discretion" would be cited in the Manual of Internal Funds Accounting to rectify this inconsistency.

Policy 9160 – Public Attendance at School Events

Dr. Clapp informed the Board of changes in the law as applicable to this policy and proffered substantive language for the policy to be in compliance with the law. [See Table, Page 11.]

Policy 8462 – Student Abuse and Neglect

Dr. Feldman asked whether the policy addressed a time frame for persons to notify the 800 number and others of suspected child abuse. Mr. Mark Zaher, Juvenile Justice Support, responded in the affirmative.

In closing, the Chair and Vice Chair gave complimentary remarks and expressed their gratitude to all involved with the undertaking of this phenomenal task and its success.

Upon motion being made by Dr. Feldman and seconded by Dr. Holloway, the Board voted 5-0 to approve this recommendation. It is noted that Dr. Karp, Mr. Curbelo and Ms. Regalado were away from the dais, when this vote was taken. Mr. Diaz de la Portilla was absent from today's meeting.