



POLICY 1.03

4A I recommend that the Board approve **adoption** of the proposed **revised** Policy 1.03, entitled "**School Board Meetings.**"

[Contact: JulieAnn Rico, Esq., PX 48751]

Adoption

CONSENT ITEM

- On September 11, 2013 the School Board approved development of this policy with the following revisions that appear in the revisions to this policy:
 - Wording changes to and deletions within paragraph 1
 - Separation within paragraph 3 of statements relating to workshops and special meetings and addition of other purposes for workshops
 - Limiting paragraph 6 to Board member questions on agenda items
- In view of the discussion at the September 11, 2013 Board meeting, the method for allowing procedural motions and public comment at a workshop is addressed (sub-paragraphs 3 (a) and 7 (e) and paragraph 9)
- This proposed revised policy will reflect current or more efficient Board practices to conduct its meetings, to provide procedures for Board conversation workshops, and to conform to new legislative changes. The proposed revisions include:
 - A method of implementing provisions within the 2013 legislative changes in Fla. Stat. Sec. 286.0114 in paragraphs 8 and 9 and sub-paragraph 7 (g)
 - Setting forth procedures for the Board to conduct collegial Board member workshops (paragraph 21)
 - Clarifying District practice relating to public comment at workshops (sub-paragraph 7 (e))
 - Discontinuing references to eAgenda, no longer used by the Board (paragraph 13)
 - Clarifying, as required by State rule, that good cause is required for changes to any Board meeting agenda (paragraph 16)
 - Defining delegates for speaker designation (paragraph 10)

- Providing restrictions on cell phone use during a Board meeting (paragraph 22)
 - Adding an extraordinary circumstance for a Board member to appear at a meeting through the use of an interactive video and/or telephone systems (paragraph 24)
-
- Note that prior to the creation by the Legislature in 2013 of the new Fla. Stat. § 286.0114, another court decision was issued interpreting the Sunshine Law's requirement that meetings be "open to the public". This August 16, 2013 Fifth District decision stated that the Sunshine "statute does not mention the right to be heard or participate. The phrase 'open to the public' most reasonably means that meetings must be properly noticed and reasonably accessible to the public, not that the public has the right to be heard at such meetings."
 - Fla. Stat. § 286.0114 (2) states (and note another section of this Statute has exceptions when public comment is not allowed):

Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. **The opportunity to be heard need not occur at the same meeting** at which the board or commission takes official action on the proposition **if the opportunity occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting** at which the board or commission takes the official action.

POLICY 1.03

SCHOOL BOARD MEETINGS

- 1
2
3 1. All meetings of the School Board shall be open to the public except those
4 meetings exempted under the Florida Sunshine Statutes or other Florida statutes
5 and the Public Employees Relations Act. The School Board of Palm Beach
6 County invites the advice and counsel of the people with an interest in within the
7 School District of Palm Beach County, including by means of public comment,
8 subject to the limitations as stated below in paragraphs 8 and 9, at the Board's
9 regular and special and workshop meetings, ~~which are open to the public~~.
- 10 2. All regular School Board meetings shall begin at 5:00 p.m. and shall end no
11 later than approximately 10:00 p.m., absent a Board vote to extend the time of
12 the meeting. A regular meeting may commence prior to 5:00 p.m. if properly
13 advertised and notice is provided to the public. The dates and time of regular
14 Board meetings will be determined by Board action at its organizational meeting
15 in November, although at a later date the Board may reschedule a meeting(s).
16 Special meetings may be called for any location as provided by Florida Statutes
17 within the county by the Superintendent upon forty-eight (48) hours public notice.
18 Special meetings may be called by the Superintendent, Board Chair or Board,
19 pursuant to the procedure set forth in Fla. Stat. § 1001.372(1) & (2).
- 20 3. Workshops and special meetings conducted by the School Board shall begin
21 at times designated by the Board, the Board Chair, or Superintendent.
 - 22 a. The purpose of the workshop meeting shall include be to acquaint the
23 Board with background information, for Board member discussion items,
24 and/or for Board policy development pursuant to Fla. Stat. §.120.54 (2)
25 (c). No Board votes will be taken at a workshop, except as to procedural
26 matters relating to that workshop.
 - 27 b. The purpose of special meetings includes to present the Board dealing
28 with:
 - 29 • important matters arising between regular meetings which require
30 urgent action;
 - 31 • specific matters of business which are not being raised at the
32 Board's regular meeting;
 - 33 • emergencies; or
 - 34 • other matters as decided by the Superintendent (or as decided by
35 the Board Chair or majority of the Board, in the event the
36 Superintendent should decline to call a special meeting when
37 requested to do so by the Chair or majority of the Board pursuant to
38

39 Fla. Stat. § 1001.372 (1) & (2)).

- 40 4. All School Board meetings shall be conducted in accordance with Robert's
41 Rules of Order (newly revised, latest edition.), the School-Board's special rules of
42 order, this Policy, Florida's Uniform Rules of Procedure, as applicable, and the
43 Florida Statutes including the Florida Administrative Procedure Act. If any conflict
44 exists between Robert's Rules of Order and the School Board's special rules of
45 order, or this policy, the provisions in the special rules of order or this policy, shall
46 control and supersede Robert's Rules. However, the Board may suspend the
47 rules within this policy for a particular meeting by a two-thirds (2/3) vote of those
48 members present, if not contrary to Florida or Federal Law.
- 49 5. All items to be considered at regular School Board meetings shall be
50 submitted to the Superintendent's office for inclusion on the agenda not later than
51 ten (10) working days prior to the meeting at which consideration is desired. The
52 agenda is published approximately ten (10) days prior to the regular meeting.
53 ~~and the agenda may be changed only for good cause determined by the Chair.~~
54 ~~The good cause for the change(s) shall be stated on the record as may be~~
55 ~~reflected in the Board report and/or discussion at the meeting, and notification of~~
56 ~~such change shall be at the earliest practicable time.~~
- 57 6. Designated staff members shall respond to agenda Questions or other
58 queries received from School Board members on the District's e-mail network
59 ~~shall be responded by the designated staff members(s) as a "reply" to the~~
60 ~~inquiring Board member. and copied~~ Copies of the response shall be forwarded
61 to all other Board members so that the reply contains the original question or
62 query. These communications are public records and shall be added by the
63 Board Clerk to the appropriate e-agenda agenda item as soon as possible before
64 the Board meeting commences. Board members shall not use the e-mail network
65 to express or indicate their positions on a specific Board agenda item, and shall
66 not use e-mails as a means of communicating among themselves on matters that
67 are foreseeable to come before the Board for action.
- 68 7. Speakers and Public Comment
- 69
- 70 a. Persons who desire to speak before the Board may call or write to the Board
71 Clerk's office prior to 12:00 p. m., of the day of the Board meeting to advise of
72 their intent to address the Board and, if applicable, the particular agenda item
73 to which they wish to speak.
- 74 b. The Clerk shall provide a list to the Chair of those persons who called or wrote
75 to address the Board, as well as, if applicable, the particular agenda item to
76 which they wish to speak. Anyone else who desires to speak before the Board
77 shall complete a blue card and provide the card to the School-Board's Clerk
78 before the that particular meeting begins.
- 79 c. Speakers may address the Board for no longer than three (3) minutes on

80 agenda or non-agenda items at the appropriate time, although public comment
81 at special meetings ~~and workshops~~ shall be limited to agenda items for that
82 meeting.

83 d. The Board, however, may vote to limit the time to a lesser amount due to the
84 volume of speakers or the amount of time scheduled for a special meeting. ~~or~~
85 ~~workshop.~~

86 e. At workshops there are no speakers for public comments, unless the Board on
87 a Board member's motion at a prior meeting or at that workshop, votes to
88 allow public comments for that workshop. If this occurs, the speaker is limited
89 to three (3) minutes on agenda items, unless the Board votes to limit the time
90 to a lesser amount due to the volume of speakers or the amount of time
91 scheduled for the workshop.

92 f. The Board also accepts for regular or special meetings public comment
93 submitted in writing to the Board prior to the Board's action or discussion of an
94 agenda item or at any time for a non-agenda item.

95 g. The chair or presiding officer may request that the public and speakers be
96 orderly, behave with civility, and refrain from obscene or vulgar conduct,
97 slandorous statements, or statements that tend to incite violence or the breach
98 of the peace.

99 8. Pursuant to Fla. Stat. §286.0114, members of the public shall be given a
100 reasonable opportunity to be heard before the Board takes action on a matter. As
101 stated in this statute, this requirement does not apply to; a) emergency situations
102 affecting the public's health, welfare, or safety, if compliance with the requirement
103 would cause an unreasonable delay in the ability of the Board to act; b) if the
104 official action is no more than a ministerial act; c) if the meeting is exempt from
105 the Sunshine Act; and d) where the Board is acting in a quasi-judicial capacity.

106 9. When a large number of individuals wish to speak at a regular or special
107 Board meeting or at a workshop as provided above in sub-paragraph (7) (e), the
108 Board encourages groups or factions on a proposition to designate a
109 spokesperson to allow for a thorough and cohesive presentation of the group's or
110 faction's position on the issue while avoiding repetitious comments. In the event
111 the group or faction is recognized, provided the person followed the provisions in
112 sub-paragraphs (7) (a) or (b) above, the person will have five (5) minutes to
113 address the Board in lieu of others in the group or faction speaking. The time
114 granted the group's or faction's spokesperson may not be ceded by the
115 spokesperson or individual to another speaker.

116 10. Regular School Board Meetings.

- 117 a. Unless otherwise provided in a collective bargaining agreement, only
118 one (1) person may speak on behalf of a delegation although other
119 persons from that entity may address the School Board during public
120 comment on agenda or non-agenda items. Delegates are appointed
121 political officials, collective bargaining representatives, and
122 representatives of community organizations.
- 123 b. Delegation speakers and speakers addressing consent agenda
124 items will be heard before the vote on the consent agenda. Persons
125 addressing the Board on a specific non-consent agenda item will be
126 listed and heard under that specific agenda item.
- 127 c. Speakers addressing non-agenda items shall be heard at the end of
128 business of the regular or special agenda; however, if the agenda
129 items at regular meetings that are scheduled to commence at 5:00
130 p.m. have not been concluded by 7:00 p.m., public comment shall be
131 heard on non-agenda items from approximately 7:00 p.m. until 7:30
132 p.m. The time will begin at the conclusion of the last item being
133 heard prior to 7:00 p.m. and will continue for 30 minutes if there are
134 sufficient speakers to utilize this time. ~~at which~~ At that time, unless
135 the Board votes to suspend the rules, the agenda of the meeting shall
136 continue and, once concluded, any additional non-agenda speakers
137 not heard between 7:00 p.m. and 7:30p.m. may address the School
138 Board.
- 139 11. If a School Board member requests that a member of the audience address
140 the Board, the Chair will poll the Board and consensus will prevail. If a School
141 Board member requests that a member of staff address or respond to the Board,
142 the Chair will request the Superintendent to respond or to designate a staff
143 member to respond.
- 144 12. If a response at the next regular meeting is deemed necessary by the
145 Superintendent, the Superintendent shall report the status of any issue or
146 concern raised by speakers to non-agenda items in the Superintendent's report
147 to the Board at the next regularly scheduled Board meeting.
- 148 13. A unanimous vote will be considered if all members voting (not abstaining due
149 to a potential conflict of interest) audibly vote "yes," show by hands a "yes," or all
150 those who are voting and present (defined as being in the Board chambers,
151 including the Board chambers' restroom or kitchen areas) have indicated a "yes"
152 vote electronically ~~on the e-agenda system,~~ or if they remain silent it will also
153 mean consent (unless they abstained due to a potential conflict of interest).
154 However, if a member votes "no", ~~on the e-agenda~~ electronically, audibly, or by
155 show of hands, it will then be considered a split vote. If a vote is evenly tied for
156 and against a measure, such tie vote shall defeat the measure. For each vote,

157 the Chair or acting chair shall announce the vote, and the names of any member
158 in dissent, after it is tabulated.

159 14. The official minutes of the School Board shall be taken, recorded, and
160 maintained as required by the Florida's Sunshine Act, Public Records Statute,
161 and Fla. Stat. § 1001.42(1), (a) & (b), shall be kept in a safe place by the
162 Superintendent and shall be made available by the Superintendent to any citizen
163 desiring to examine the minutes during the hours the office is open. Recently
164 adopted Board meeting minutes appear on the District's website.

165 a. Unless as otherwise required by Fla. Stat. § 1001.42(1)(b) or other law,
166 minutes of regular and special Board meetings shall record only the date,
167 starting and ending times, Board members in attendance, presenters,
168 conclusion of discussion items, motions, resolutions, and necessary
169 information related thereto, the name of the person making and seconding
170 a motion, or submitting a resolution, and the vote thereon (specifying by
171 member's name the votes cast ~~name of any member who votes against~~
172 ~~the measure; any abstentions, or abstains or if the member~~ was out of the
173 room for the vote). Certain resolutions shall be spread upon the minutes,
174 i.e. quoted in full as part of the minutes, when required by law. If any
175 member of the School Board or the Superintendent wishes any of that
176 person's statements to be recorded, the Board member or Superintendent
177 may request during the meeting that such statement become a part of the
178 official minutes. If a member abstains, the Memorandum of Conflict shall
179 be attached to the minutes.

180 b. Unless as otherwise required by Fla. Stat. § 1001.42(1)(b) or other law,
181 minutes of School Board workshop sessions shall indicate the date,
182 starting and ending time, attending participants and subject(s) presented
183 and discussed. These minutes shall clearly indicate that no official actions
184 were taken by the Board members during this session. ~~and that audio~~
185 ~~tapes are maintained by the Board office as an additional record of these~~
186 ~~proceedings~~

187 15. Order of Regular Meetings. The order of regular meetings shall be set forth in
188 the agenda consistent with Fla. Admin. Code Rule 28-102.002(1)(b) and at a
189 minimum include the following:

- 190 a. The official name of the agency; the time, date, and place of the meeting;
191 and a statement that this meeting is open to the public
- 192 b. Call to Order and Pledge of Allegiance
- 193 c. Review of Minutes, if any
- 194 d. Chair to add agenda items, if any, for good cause
- 195 e. Superintendent withdraws items, if any

- 196 f. Board pulls items, if any, from the Consent Agenda
197 g. Board review and approval of the agenda
198 h. Disclosures and Abstentions, if any
199 i. Board Comment, 3 minutes per member
200 j. Presentations
201 k. Student Government Report
202 l. ~~Delegations/Individuals Appearances~~ Committee Reports
203 m. Delegations Speakers: Elected Officials and Delegates
204 n. Public Comment on Consent Agenda Items
205 o. Consent Agenda listed
206 p. Approval of the Consent Agenda
207 q. Unfinished Business
208 r. ~~New Business. Including Speakers on Non-Consent Agenda items.~~
209 s. ~~Board Discussion Items.~~ Non-Agenda Speakers, Time Certain at end of
210 meeting or 7:00PM, whichever comes sooner.
211 t. Adjourn
- 212 16. Once an agenda for any Board meeting, including workshops, is posted and
213 available, the agenda may be changed only for good cause determined by the
214 Chair. The good cause for the change(s) shall be stated on the record as may be
215 reflected in the Board report and/or discussion at the meeting and notification of
216 such change shall be at the earliest practicable time.
- 217 17. In both regular and special meetings, the Board may utilize a consent agenda
218 to increase the efficiency of approving large numbers of routine or non-
219 controversial items. Except for any item that a ~~School~~-Board member pulls from
220 the consent agenda, all items on the consent agenda may be approved in gross
221 and without debate or amendment.
- 222 18. The order of special meetings shall be as required by Florida law and, if
223 specified on the agenda, may include a consent agenda, which shall be called up
224 and later approved before any pulled agenda items are discussed.
- 225 19. The consent agenda of either a regular or special meeting may include
226 proposed Policy development items. The consent agenda of either a regular or
227 special meeting may also include proposed Policy adoption items unless, after
228 publication of the adoption notice, an affected person has specifically requested
229 public discussion of the proposed rule pursuant to the hearing-request provisions
230 of Fla. Stat. § 120.54(3)(c).
- 231 20. Final Board proceedings on expulsion of students are exempted from Florida's
232 Government in the Sunshine Law, unless properly waived. A special closed

233 meeting of the Board, which is not open to the public, will be scheduled on
234 expulsions, to commence either approximately one-half (½) hour prior to a each
235 regular Board meeting, or at a special meeting on another day, although the
236 scheduling time and date may vary or the meeting canceled depending on the
237 number of expulsions to be heard. This is not the evidentiary hearing. At these
238 special meetings, each expulsion will be considered separately and
239 consecutively. Individuals may speak relating to the specific expulsion and Board
240 discussion may follow. The vote on the expulsion and final order, without
241 discussing the name of the student, will be taken and entered in accordance with
242 Board action at the regular Board's public meeting following this special closed
243 meeting. ~~or at a special meeting~~

244 21. The Board may conduct collegial Board member workshops which are open to
245 the public. These workshops may be scheduled by the Superintendent, Board
246 Chair or at the request of four (4) Board Members. The notice and agenda for
247 these workshops shall state "discussion of School Board business" and may
248 include more specific topics as requested by any Board member. Other than the
249 Superintendent, Board Counsel, and Board clerk, no other District staff members
250 shall be required to attend. For purposes of these collegial Board member
251 workshops only, even if a quorum of the Board members is not present, the
252 workshop may commence or continue and the discussion, conversations and any
253 presentations may occur. No votes or direction to the Superintendent or staff will
254 occur at these workshops and the Board shall not be transacting business.

255 22. Personal cellular telephone conversations while in the room when a Board
256 meeting is being conducted are not permitted. Such conversations are permitted
257 only during meeting breaks or recess. Ringers must be set to silent or vibrate
258 mode to avoid disruption of proceedings. Individuals, including those on the dais,
259 must exit the chambers to answer incoming cell phone calls.

260 23. School Board members may attend workshops and participate at such
261 workshops through the use of an interactive video and/or telephone system, but
262 for this to occur, other than collegial Board member workshops described above,
263 a quorum of Board members must be present at the workshop.

264 24. Under the following extraordinary circumstances, School Board members may
265 attend Board meetings and participate and vote at meetings through the use of
266 an interactive video and/or telephone systems, as long as a quorum of School
267 Board members are physically present at the meeting: ~~School Board members~~
268 ~~may participate and vote by use of electronic media technology to allow a~~
269 ~~member who is not physically present to attend the meeting, in those instances~~
270 where the member is away from Headquarters out of the District while attending

271 to School District business, confined to home or hospital due to illness or
272 accident, ~~or in these situations~~ where the member's absence is due to a death or
273 serious illness of an immediate family member, or where the Board meeting
274 calendar changes and the member has a scheduling conflict. Any other situations
275 which cause a member to be absent from a meeting will require a vote by
276 majority of the School Board, based only on extraordinary circumstances as
277 required by law, to allow the member to participate and vote by the above
278 referenced technology.
279

280 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.32(2); 1001.372; 1001.41(1) &
281 (2); 1001.42(26); 1001.43 (10)
282 LAWS IMPLEMENTED: Fla. Stat. §§
283 119.07; 120.525, 120.569, 120.57, 120.81(1)(f)&(j); 286.011; 286.0114;
284 1001.32(2); 1001.371; 1001.372; 1001.43(6); 1001.51(2) & (3); 1001.42(1) (a) &
285 (b); 1006.07(1)(a)
286 HISTORY: 6/2/76; 7/21/82; 11/20/85; 07/09/01; 1/16/02; 4/5/2006; 9/30/09; 4/18/2012;
287 1/13
288
289

290 **Cross References:**

291
292 **School Board Policy 1.031-- Special Rules of Order**

293
294 **School Board Policy 4.101—Rules of Procedure**

Legal Signoff:

The Legal Department has reviewed proposed Policy 1.03 and finds it legally sufficient for **adoption** by the Board.

Bruce A. Harris
Attorney

10/3/13
Date