



POLICY 1.03

4-D I recommend that the Board adopt the proposed revised Policy 1.03, entitled “School Board Meetings.”

[Contact: Gerald A. Williams, Esq.; Chief Counsel, PX 48500.]

Adoption

CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on August 26, 2009.
- This proposed revision updates the Policy for clarification or to align with District practices and/or meet legal requirements including meeting start times, submission of agenda items for regular meetings, time for public comment at meetings, and Board member attendance at meetings via electronic media technology.
- This revision also updates statutory references.
- As was stated at the Board meeting on August 26, 2009, the proposed text “or abstains for another reason” has been stricken from line 102.

POLICY 1.03

TITLE

- 1
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3 1. All meetings of the School Board shall be open to the public except those meetings
4 exempted under Florida Sunshine Statutes and the Public Employees Relations
5 Act. The School Board of Palm Beach County invites the advice and counsel of the
6 people within the School District of Palm Beach County, including by means of
7 public comment at the Board's regular, special and workshop meetings which are
8 open to the public.

- 9 2. All regular School Board meetings shall begin at 5:00 p.m. and shall end no later
10 than approximately 10:00 p.m., absent a Board vote to extend the time of the
11 meeting. A regular meeting may commence prior to 5:00 p.m. if properly advertised
12 and notice is provided to the public. The dates and time of regular Board meetings
13 will be determined by Board action at its organizational meeting in November,
14 although at a later date the Board may reschedule a meeting(s). Special meetings
15 may be called for any location as provided by Florida Statutes within the county by
16 the Superintendent upon forty-eight (48) hours public notice. Special meetings may
17 be called by the Superintendent, Board Chair or Board, pursuant to the procedure
18 set forth in Fla. Stat. § 1001.372(1) & (2).

- 19 3. Workshops and special meetings conducted by the School Board shall begin at
20 times designated by the Board, the Board Chair, or Superintendent. The purpose of
21 the workshop meeting shall be to acquaint the Board with background information.
22 No Board votes will be taken at a workshop. The purpose of special meetings
23 includes dealing with:
 - 24 a. Important matters arising between regular meetings which require urgent
25 action;
 - 26 b. Specific matters of business which are not being raised at the Board's regular
27 meeting;
 - 28 c. Emergencies; or;
 - 29 d. Other matters as decided by the Superintendent (or as decided by the Board
30 Chair or majority of the Board, in the event the Superintendent should decline
31 to call a special meeting when requested to do so by the Chair or majority of
32 the Board pursuant to Fla. Stat. § 1001.372 (1) & (2)).

- 33 4. All School Board meetings shall be conducted in accordance with *Robert's Rules of*
34 *Order*, the School Board's special rules of order, this Policy, Florida's Uniform
35 Rules of Procedure, as applicable, and the Florida Statutes including the Florida
36 Administrative Procedure Act. If any conflict exists between *Robert's Rules of*

37 Order and the School Board's special rules of order, or this policy, the provisions in
38 the special rules of order or this policy, shall control and supersede *Robert's Rules*.
39 However, the Board may suspend the rules within this policy for a particular
40 meeting by a two-thirds (2/3) vote of those members present, if not contrary to
41 Florida or Federal Law.

42 5. All items to be considered at regular School Board meetings shall be submitted to
43 the Superintendent's office for inclusion on the agenda not later than 2:00 p.m. ten
44 (10) ~~nine (9)~~ working days prior to the meeting at which consideration is desired.
45 ~~After~~ ~~t~~ The agenda ~~is has been~~ published ~~and distributed pursuant to law,~~
46 approximately ten (10) days prior to the regular meeting and the agenda may be
47 changed items may be added only for good cause determined by the Chair. The
48 good cause for the change(s) and ~~this~~ shall be stated on the record as may be
49 reflected in the Board report and/or discussion at the meeting, and notification of
50 such change shall be at the earliest practicable time.

51 6. Questions or other queries received from School Board members on the District's
52 e-mail network shall be responded by the designated staff member(s) as a "reply"
53 to the inquiring Board member and copied to all other Board members so that the
54 reply contains the original question or query. These communications are public
55 records and shall be added by the Board Clerk to the appropriate e-agenda item as
56 soon as possible before the Board meeting. Board members shall not use the e-
57 mail network to express or indicate their positions on a specific Board agenda item,
58 and shall not use e-mails as a means of communicating among themselves on
59 matters that are foreseeable to come before the Board for action.

60 7. Persons who desire to speak before the Board may call or write to the clerk's office
61 prior to 12:00 p.m., the day of the Board meeting to advise of their intent to address
62 the Board and, if applicable, the particular agenda item to which they wish to
63 speak. The clerk shall provide a list to the Chair of those persons who called or
64 wrote to address the Board, as well as, if applicable, the particular agenda item to
65 which they wish to speak. Anyone else who desires to speak before the Board shall
66 complete a blue card and provide the card to the School Board's clerk before the
67 meeting begins. Speakers may address the Board for no longer than three (3)
68 minutes on agenda or non-agenda items at the appropriate time, although public
69 comment at special meetings and workshops shall be limited to agenda items for
70 that meeting. The Board, however, may vote to limit the time to a lesser amount
71 due to the volume of speakers or the amount of time scheduled for a special
72 meeting or workshop.

73 8. Regular School Board Meetings.

74 a. Unless otherwise provided in a collective bargaining agreement, only one (1)
75 person may speak on behalf of a delegation although other persons from that
76 entity may address the School Board during public comment on agenda or

- 77 non-agenda items.
- 78 b. Delegation speakers and speakers addressing agenda items will be heard
79 before vote on the consent agenda ~~the attorney's report~~. Persons addressing
80 the Board to a specific agenda item will be listed under "Delegations/Individual
81 Appearances."
- 82 c. Speakers addressing non-agenda items shall be heard at the end of business
83 of the regular agenda; however, if the agenda items at regular meetings that
84 are scheduled to commence at 5:00 p.m. have not been concluded by ~~8:00~~
85 7:00 p.m., public comment shall be heard on non-agenda items from ~~8:00~~ 7:00
86 p.m. until ~~8:30~~ 7:30 p.m. (if there are sufficient speakers to utilize this time), at
87 which time the agenda of the meeting shall continue and, once concluded, any
88 additional non-agenda speakers not heard between ~~8:00~~ 7:00 p.m. and ~~8:30~~
89 7:30 p.m. may address the School Board.
- 90 9. If a School Board member requests that a member of the audience address the
91 Board, the Chair will poll the Board and consensus will prevail.
- 92 10. If a response at the next regular meeting is deemed necessary by the
93 Superintendent, the Superintendent shall report the status of any issue or concern
94 raised by speakers to non-agenda items in the Superintendent's report to the Board
95 at the next regularly scheduled Board meeting.
- 96 11. A unanimous vote will be considered if all members voting (not abstaining due to a
97 potential conflict of interest) audibly vote "yes," show by hands a "yes," or all those
98 who are voting and present (defined as being in the Board chambers, including the
99 Board chambers' restroom or kitchen areas) have indicated a "yes" vote on the e-
100 agenda system, or if they remain silent it will also mean consent (unless they
101 abstained due to a potential conflict of interest). However, if a member votes "no"
102 or abstains for another reason, on the e-agenda, audibly, or by show of hands , it
103 will then be considered a split vote. If a vote is evenly tied for and against a
104 measure, such tie vote shall defeat the measure. For each vote, the Chair or acting
105 chair shall announce the vote, and the names of any member in dissent, after it is
106 tabulated.
- 107 12. The official minutes of the School Board shall be taken, and recorded, and
108 maintained as required by Florida's Sunshine Act, Public Records Statute, ~~public~~
109 ~~meetings and public records statutes~~ and Fla. Stat. § 1001.42(1)(a) & (b) , shall be
110 kept in a safe place by the Superintendent and shall be made available by the
111 Superintendent to any citizen desiring to examine the minutes during the hours the
112 office is open.
- 113 a. Unless as otherwise required by Fla. Stat. § 1001.42(1)(b) or other law,
114 minutes of regular and special Board meetings shall record only the date,
115 starting and ending times, Board members in attendance, presenters,

116 conclusion of discussion items, motions, resolutions, and necessary
117 information related thereto, the name of the person making and seconding a
118 motion, or submitting a resolution, and the vote thereon (specifying the name
119 of any member who votes against the measure, abstains, or was out of the
120 room for the vote). Certain resolutions shall be spread upon the minutes, i.e.
121 quoted in full as part of the minutes, when required by law. If any member of
122 the School Board or the Superintendent wishes any of that person's
123 statements to be recorded, the Board member or Superintendent may request
124 during the meeting that such statement become a part of the official minutes.

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

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

135 a. The official name of the agency; the time, date, and place of the meeting; and
136 a statement that this meeting is open to the public.

137 b. Call to Order and Pledge of Allegiance

138 c. Review of Minutes

139 d. Public Comment on Agenda Items

140 e. Unfinished Business: Specific listing with brief summary

141 f. New Business: Specific listing with brief summary

142 g. Other Business: Specific listing and brief summary (such as non-agenda
143 speakers and Board discussion items)

144 h. Adjourn.

145 14. In both regular and special meetings, the Board may utilize a consent agenda to
146 increase the efficiency of approving large numbers of routine or non-controversial
147 items. Except for any item that a School Board member pulls from the consent
148 agenda, all items on the consent agenda may be approved in gross and without
149 debate or amendment.

- 150 15. The order of special meetings shall be as required by Florida law and, if specified
151 on the agenda, may include a consent agenda, which shall be called up and later
152 approved before any pulled consent-agenda items are discussed.
- 153 16. The consent agenda of either a regular or special meeting may include proposed
154 Policy development items. The consent agenda of either a regular or special
155 meeting may also include proposed Policy adoption items unless, after publication
156 of the adoption notice, an affected person has specifically requested public
157 discussion of the proposed rule pursuant to the hearing-request provisions of Fla.
158 Stat. § 120.54(3)(c).
- 159 17. Final Board proceedings on expulsion of students are exempted from Florida's
160 Government in the Sunshine Law, unless properly waived. A special meeting of the
161 Board, which is not open to the public, will be scheduled on expulsions, to
162 commence either approximately one-half (½) hour prior to each regular Board
163 meeting, or at a special meeting on another day, although the scheduling time and
164 date may vary or the meeting canceled depending on the number of expulsions to
165 be heard. This is not the evidentiary hearing. At these special meetings, each
166 expulsion will be considered separately and consecutively. Individuals may speak
167 relating to the specific expulsion and Board discussion may follow. The vote on the
168 expulsion and final order, without discussing the name of the student, will be taken
169 and entered in accordance with Board action at the regular meeting following this
170 special meeting, or at a special meeting.
- 171 18. School Board members ~~Members~~ may attend workshops and participate at such
172 workshops through the use of an interactive video and/or telephone system, as
173 long as a quorum of Board members are present at the workshop.
- 174 19. ~~Members may participate and vote by the use of electronic media technology to~~
175 ~~allow an absent member of the Board to attend the meeting, in those instances~~
176 ~~where the Board member is confined to home or hospital due to illness or accident~~
177 ~~or in those situations when the Board member's absence is due to a death or~~
178 ~~serious illness of an immediate family member. Board members may not~~
179 ~~participate if they are on vacation. Any other situations which cause a member to~~
180 ~~be absent from a meeting will require a vote by majority of the Board to allow the~~
181 ~~member to participate, by this technology. Under the following circumstance,~~
182 School Board members may attend meetings and participate at meetings through
183 the use of an interactive video and/or telephone systems, as long as a quorum of
184 School Board members are physically present at the meeting. School Board
185 members may participate and vote by use of electronic media technology to allow a
186 member who is not physically present to attend the meeting, in those instances
187 where the member is confined to home or hospital due to illness or accident or in
188 those situations where the member's absence is due to a death or serious illness of
189 an immediate family member. Any other situations which cause a member to be
190 absent from a meeting will require a vote by majority of the School Board, based

191 only on extraordinary circumstances as required by law, to allow the member to
192 participate by the above referenced technology.

193 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.32(2); 1001.372(2); 1001.41(1) & (2);
194 1001.42(26); 1001.43 (10)

195 LAWS IMPLEMENTED: Fla. Stat. §§ 119.07; 120.525, 120.569, 120.57, 120.81(1)(f),
196 120.81(1)(j); 286.011; 1001.32(2); 1001.371; 1001.372; 1001.43(6); 1001.51(2) & (3);
197 1001.42(1) (a) & (b); 1006.07(1)(a)

198 RULE IMPLEMENTED: Fla. Admin. Code Rule 28-102.002(1)(b)

199 ATTORNEY GENERAL OPINIONS: 93-03 (relevant to section (17)); 2002-08 (relevant
200 to section (5))

201 HISTORY: 6/2/76; 7/21/82; 11/20/85; 07/09/01; 1/16/02; 4/5/2006; / /09

Legal Signoff:

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

Attorney

Date