



POLICY 1.03

5A I recommend that the Board approve development of the proposed **revised** Policy 1.03, entitled "School Board Meetings."

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

Development

CONSENT ITEM

- 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)

POLICY 1.03

SCHOOL BOARD MEETINGS

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1. All meetings of the School Board shall be open to the public except those meetings exempted under the Florida Sunshine Statutes or other Florida statutes and ~~the Public Employees Relations Act~~. The School Board of Palm Beach County invites the advice and counsel of the people within the School District of Palm Beach County, including by means of public comment, subject to the limitations as stated below in paragraphs 8 and 9, at the Board's regular and special ~~and workshop~~ meetings which are open to the public.
2. All regular ~~School~~ Board meetings shall begin at 5:00 p.m. and shall end no later than approximately 10:00 p.m., absent a Board vote to extend the time of the meeting. A regular meeting may commence prior to 5:00 p.m. if properly advertised and notice is provided to the public. The dates and time of regular Board meetings will be determined by Board action at its organizational meeting in November, although at a later date the Board may reschedule a meeting(s). Special meetings may be called for any location as provided by Florida Statutes within the county by the Superintendent upon forty-eight (48) hours public notice. Special meetings may be called by the Superintendent, Board Chair or Board, pursuant to the procedure set forth in Fla. Stat. § 1001.372(1) & (2).
3. Workshops and special meetings conducted by the ~~School~~ Board shall begin at times designated by the Board, the Board Chair, or Superintendent. The purpose of the workshop meeting shall be to acquaint the Board with background information. No Board votes will be taken at a workshop. The purpose of special meetings includes dealing with:
 - a. important matters arising between regular meetings which require urgent action;
 - b. specific matters of business which are not being raised at the Board's regular meeting;
 - c. emergencies; or
 - d. other matters as decided by the Superintendent (or as decided by the Board Chair or majority of the Board, in the event the Superintendent should decline to call a special meeting when requested to do so by the Chair or majority of the Board pursuant to Fla. Stat. § 1001.372 (1) & (2)).
4. All ~~School~~ Board meetings shall be conducted in accordance with Robert's

36 Rules of Order (newly revised, latest edition.) the ~~School~~ Board's special rules of
37 order, this Policy, Florida's Uniform Rules of Procedure, as applicable, and the
38 Florida Statutes including the Florida Administrative Procedure Act. If any conflict
39 exists between Robert's Rules of Order and the ~~School~~ Board's special rules of
40 order, or this policy, the provisions in the special rules of order or this policy, shall
41 control and supersede Robert's Rules. However, the Board may suspend the
42 rules within this policy for a particular meeting by a two-thirds (2/3) vote of those
43 members present, if not contrary to Florida or Federal Law.

44 5. All items to be considered at regular ~~School~~ Board meetings shall be
45 submitted to the Superintendent's office for inclusion on the agenda not later than
46 ten (10) working days prior to the meeting at which consideration is desired. The
47 agenda is published approximately ten (10) days prior to the regular meeting.
48 ~~and the agenda may be changed only for good cause determined by the Chair.~~
49 ~~The good cause for the change(s) shall be stated on the record as may be~~
50 ~~reflected in the Board report and/or discussion at the meeting, and notification of~~
51 ~~such change shall be at the earliest practicable time.~~

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

63 7. Speakers and Public Comment

64 a. Persons who desire to speak before the Board may call or write to the Board
65 clerk's office prior to 12:00 p. m., of the day of the Board meeting to advise of
66 their intent to address the Board and, if applicable, the particular agenda item
67 to which they wish to speak.

68 b. The clerk shall provide a list to the Chair of those persons who called or wrote
69 to address the Board, as well as, if applicable, the particular agenda item to
70 which they wish to speak. Anyone else who desires to speak before the Board
71 shall complete a blue card and provide the card to the School Board's clerk
72 before the that particular meeting begins.

73 c. Speakers may address the Board for no longer than three (3) minutes on
74 agenda or non-agenda items at the appropriate time, although public comment
75 at special meetings ~~and workshops~~ shall be limited to agenda items for that
76 meeting.

77 d. The Board, however, may vote to limit the time to a lesser amount due to the

78 volume of speakers or the amount of time scheduled for a special meeting or
79 workshop.

80 e. At workshops there are no speakers for public comments, unless the Board at a
81 regular or special meeting, on a Board member's motion, votes to allow public
82 comments for a particular workshop. In that event, the speaker is limited to
83 three (3) minutes on agenda items, unless the Board votes to limit the time to
84 a lesser amount due to the volume of speakers or the amount of time
85 scheduled for the workshop.

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

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

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

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

109 10. Regular School Board Meetings.

110 a. Unless otherwise provided in a collective bargaining agreement, only
111 one (1) person may speak on behalf of a delegation although other
112 persons from that entity may address the School Board during public
113 comment on agenda or non-agenda items. Delegates are appointed
114 political officials, collective bargaining representatives, and
115 representatives of community organizations.

- 116 b. Delegation speakers and speakers addressing consent agenda
117 items will be heard before the **vote** on the consent agenda. Persons
118 addressing the Board on a specific non-consent agenda item will be
119 listed and heard under that specific agenda item.
- 120 c. Speakers addressing non-agenda items shall be heard at the end of
121 business of the regular ~~or special~~ agenda; however, if the agenda
122 items at regular meetings that are scheduled to commence at 5:00
123 p.m. have not been concluded by 7:00 p.m., public comment shall be
124 heard on non-agenda items from approximately 7:00 p.m. until 7:30
125 p.m. ~~The~~ Time will begin at the conclusion of the last item being
126 heard prior to 7:00 p.m. and will continue for 30 minutes if there are
127 sufficient speakers to utilize this time. ~~at which~~ At that time, **unless**
128 **the Board votes to suspend the rules**, the agenda of the meeting shall
129 continue and, once concluded, any additional non-agenda speakers
130 not heard between 7:00 p.m. and 7:30p.m. may address the ~~School~~
131 Board.
- 132 11. If a ~~School~~ Board member requests that a member of the audience address
133 the Board, the Chair will poll the Board and consensus will prevail. If a ~~School~~
134 Board member requests that a member of staff address or respond to the Board,
135 the Chair will request the Superintendent to respond or to designate a staff
136 member to respond.
- 137 12. If a response at the next regular meeting is deemed necessary by the
138 Superintendent, the Superintendent shall report the status of any issue or
139 concern raised by speakers to non-agenda items in the Superintendent's report
140 to the Board at the next regularly scheduled Board meeting.
- 141 13. A unanimous vote will be considered if all members voting (not abstaining due
142 to a potential conflict of interest) audibly vote "yes," show by hands a "yes," or all
143 those who are voting and present (defined as being in the Board chambers,
144 including the Board chambers' restroom or kitchen areas) have indicated a "yes"
145 vote **electronically** ~~on the e-agenda system~~, or if they remain silent it will also
146 mean consent (unless they abstained due to a potential conflict of interest).
147 However, if a member votes "no", on the ~~e-agenda~~ **electronically**, audibly, or by
148 show of hands, it will then be considered a split vote. If a vote is evenly tied for
149 and against a measure, such tie vote shall defeat the measure. For each vote,
150 the Chair or acting chair shall announce the vote, and the names of any member
151 in dissent, after it is tabulated.
- 152 14. The official minutes of the ~~School~~ Board shall be taken, recorded, and
153 maintained as required by **the** Florida's Sunshine Act, Public Records Statute,
154 and Fla. Stat. § 1001.42(1),(a) & (b), shall be kept in a safe place by the
155 Superintendent and shall be made available by the Superintendent to any citizen

156 desiring to examine the minutes during the hours the office is open. Recently
157 adopted Board meeting minutes appear on the District's website.

- 158 a. Unless as otherwise required by Fla. Stat. § 1001.42(1)(b) or other law,
159 minutes of regular and special Board meetings shall record only the date,
160 starting and ending times, Board members in attendance, presenters,
161 conclusion of discussion items, motions, resolutions, and necessary
162 information related thereto, the name of the person making and seconding
163 a motion, or submitting a resolution, and the vote thereon (specifying by
164 member's name the votes cast ~~name of any member who votes against~~
165 ~~the measure; any abstentions, or ~~abstains or~~ if the member was out of the~~
166 room for the vote). Certain resolutions shall be spread upon the minutes,
167 i.e. quoted in full as part of the minutes, when required by law. If any
168 member of the ~~School~~ Board or the Superintendent wishes any of that
169 person's statements to be recorded, the Board member or Superintendent
170 may request during the meeting that such statement become a part of the
171 official minutes. If a member abstains, the Memorandum of Conflict shall
172 be attached to the minutes.
- 173 b. Unless as otherwise required by Fla. Stat. § 1001.42(1)(b) or other law,
174 minutes of ~~School~~ Board workshop sessions shall indicate the date,
175 starting and ending time, attending participants and subject(s) presented
176 and discussed. These minutes shall clearly indicate that no official actions
177 were taken by the Board members during this session. ~~and that audio~~
178 ~~tapes are maintained by the Board office as an additional record of these~~
179 ~~proceedings~~
- 180 15. Order of Regular Meetings. The order of regular meetings shall be set forth in
181 the agenda consistent with Fla. Admin. Code Rule 28-102.002(1)(b) and at a
182 minimum include the following:
- 183 a. The official name of the agency; the time, date, and place of the meeting;
184 and a statement that this meeting is open to the public
- 185 b. Call to Order and Pledge of Allegiance
- 186 c. Review of Minutes, if any
- 187 d. Chair to add agenda items, if any, for good cause
- 188 e. Superintendent withdraws items, if any
- 189 f. Board pulls items, if any, from the Consent Agenda
- 190 g. Board review and approval of the agenda
- 191 h. Disclosures and Abstentions, if any
- 192 i. Board Comment, 3 minutes per member
- 193 j. Presentations

- 194 k. Student Government Report
195 l. ~~Delegations/Individuals Appearances~~ Committee Reports
196 m. Delegations Speakers: Elected Officials and Delegates
197 n. Public Comment on Consent Agenda Items
198 o. Consent Agenda listed
199 p. Approval of the Consent Agenda
200 q. Unfinished Business
201 r. New Business. ~~Including Speakers on Non-Consent Agenda items.~~
202 s. ~~Board Discussion Items.~~ Non-Agenda Speakers, Time Certain at end of
203 meeting or 7:00PM, whichever comes sooner.
204 t. Adjourn
- 205 16. . Once an agenda for any Board meeting, including workshops, is posted and
206 available, the agenda may be changed only for good cause determined by the
207 Chair. The good cause for the change(s) shall be stated on the record as may be
208 reflected in the Board report and/or discussion at the meeting and notification of
209 such change shall be at the earliest practicable time.
- 210 17. In both regular and special meetings, the Board may utilize a consent agenda
211 to increase the efficiency of approving large numbers of routine or non-
212 controversial items. Except for any item that a School Board member pulls from
213 the consent agenda, all items on the consent agenda may be approved in gross
214 and without debate or amendment.
- 215 18. The order of special meetings shall be as required by Florida law and, if
216 specified on the agenda, may include a consent agenda, which shall be called up
217 and later approved before any pulled agenda items are discussed.
- 218 19. The consent agenda of either a regular or special meeting may include
219 proposed Policy development items. The consent agenda of either a regular or
220 special meeting may also include proposed Policy adoption items unless, after
221 publication of the adoption notice, an affected person has specifically requested
222 public discussion of the proposed rule pursuant to the hearing-request provisions
223 of Fla. Stat. § 120.54(3)(c).
- 224 20. Final Board proceedings on expulsion of students are exempted from Florida's
225 Government in the Sunshine Law, unless properly waived. A special **closed**
226 meeting of the Board, which is not open to the public, will be scheduled on
227 expulsions, to commence either approximately one-half (½) hour prior to a ~~each~~
228 regular Board meeting, or at a special meeting on another day, although the
229 scheduling time and date may vary or the meeting canceled depending on the
230 number of expulsions to be heard. This is not the evidentiary hearing. At these
231 special meetings, each expulsion will be considered separately and

232 consecutively. Individuals may speak relating to the specific expulsion and Board
233 discussion may follow. The vote on the expulsion and final order, without
234 discussing the name of the student, will be taken and entered in accordance with
235 Board action at the regular Board's public meeting following this special closed
236 meeting. ~~or at a special meeting~~

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

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

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

257 24. Under the following extraordinary circumstances, ~~School~~ Board members may
258 attend Board meetings and participate and vote at meetings through the use of
259 an interactive video and/or telephone systems, as long as a quorum of School
260 Board members are physically present at the meeting: ~~School Board members~~
261 ~~may participate and vote by use of electronic media technology to allow a~~
262 ~~member who is not physically present to attend the meeting,~~ in those instances
263 where the member is away from Headquarters out of the District while attending
264 to ~~School~~ District business, confined to home or hospital due to illness or
265 accident, ~~or in these situations~~ where the member's absence is due to a death or
266 serious illness of an immediate family member, or where the Board meeting
267 calendar changes and the member has a scheduling conflict. Any other situations
268 which cause a member to be absent from a meeting will require a vote by
269 majority of the ~~School~~ Board, based only on extraordinary circumstances as

270 required by law, to allow the member to participate and vote by the above
271 referenced technology.
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273 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.32(2); 1001.372; 1001.41(1) &
274 (2); 1001.42(26); 1001.43 (10)

275 LAWS IMPLEMENTED: Fla. Stat. §§
276 119.07; 120.525, 120.569, 120.57, 120.81(1)(f)&(j); 286.011; 286.0114;
277 1001.32(2); 1001.371; 1001.372; 1001.43(6); 1001.51(2) & (3); 1001.42(1) (a) &
278 (b); 1006.07(1)(a)

279 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;
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283 **Cross References:**

284

285 **School Board Policy 1.031-- Special Rules of Order**

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287 **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 development by the Board.

Attorney

Date