

- Waive the requirement that the meeting be held at a specific time and at a specific location;
- Requires that adequate notice for the meeting, including that a means for the public to access the meeting be provided;
- Eliminate the requirement for a Board to be physically present at the meeting in order to establish a quorum for the meeting;
- In order to protect the health, safety and welfare of the general public and to efficiently conduct the business of the Board during the emergency period, eliminate the general public hearing that regularly takes place at 6:30 pm.;

Attached are the Notice of Intended Action and the proposed emergency policy.

It is recommended that The School Board of Miami-Dade County, Florida, adopt the proposed emergency policy in order to protect the health, safety, and welfare of students, the general public, school district staff, and School Board members and while efficiently conducting during a state of emergency, the business of the Board during its required monthly public meeting.

This policy is being submitted as an emergency adoption pursuant to the Florida Administrative Procedure Act, § 120.54(4), Florida Statutes (2019). Emergency action is necessitated in order to protect the health, safety, or welfare during the ongoing Covid-19 pandemic.

Authorization of the Board is requested for the Superintendent to undertake emergency rulemaking proceedings in accordance with the Administrative Procedure Act to adopt emergency School Board Policy 0165E, *Public Meetings During Declared COVID-19 Emergency*.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida:

- 1) find that the emergency policy is necessitated by the immediate danger caused by the Covid-19 pandemic; and
- 2) adopt Emergency School Board Policy 0165E, *Public Meetings During Declared COVID-19 Emergency*, to be effective March 31, 2020.

WJH/LMG:jf

NOTICE OF INTENDED ACTION TO ADOPT EMERGENCY POLICY

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announces the adoption of Board Policy 0165E, *Public Meetings During Declared COVID-19 Emergency*, at its meeting of March 31, 2020.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH AND WELFARE: In order to protect the public health and safety during the Covid-19 Disease (Coronavirus) pandemic affecting the state and nation and pursuant to the Governor's Declaration of State of Emergency and subsequent related Executive Orders and in accordance with local governments' limits on social gatherings and the social distancing guidelines issued by the Centers for Disease Control and Prevention.

REASONS PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Due to the immediate danger to the public health, safety, or welfare requiring emergency action, the proposed emergency policy is presented for the Board's adoption to allow the Board to meet through the use of communications media technology, including teleconferencing and video-teleconferencing. This emergency policy is necessitated by the immediate danger caused by the Covid-19 pandemic.

PURPOSE AND EFFECT OF EMERGENCY POLICY: In order to promote and protect the health safety and welfare of students, the general public, school district staff, and School Board members the proposed emergency policy includes the following provisions: permitting the School Board meeting to be held through communications media technology; requiring that adequate notice for the meeting, including that a means for the public to access the meeting be provided; a waiver of the requirement that the Board meeting be held at a specific location and at a specific time; the elimination of the requirement that School Board members be physically present to establish a quorum for the meeting; and the suspension of the public hearing portion of the meeting. This emergency policy will be in effect for ninety (90) from the date of its adoption.

SUMMARY: Policy 0165E, *Public Meetings During Declared COVID-19 Emergency*, permits the School Board meeting to be held through communications media technology; requires that adequate notice for the meeting, including that a means for the public to access the meeting be provided; waives the requirement that the Board meeting be held at a specific location and at a specific time; eliminates the requirement that School Board members be physically present to establish a quorum for the meeting during the period of the emergency; and the suspends the 6:30 pm. public hearing portion of the meeting.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: §§ 120.54(4); 120.81; 286.011; 286.0114; 1001.41; 1001.42; F.S.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: §§ 1001.33; 1001.43, F.S.; Governor Executive Order Number 20-69 (March 20, 2020); Attorney General Opinion 2020-03 (March 19, 2020).

DATE AND TIME OF EFFECTIVENESS: March 31, 2020

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF March 31, 2020, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. 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, F. S.

COPIES OF THE EMERGENCY POLICY 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	Policies for March 31, 2020
Title	Public Meetings During Declared COVID-19 Emergency
Code	po0165E

00165e - **Public Meetings During Declared COVID-19 Emergency**

On March 9, 2020, the Governor of the State of Florida declared a state of emergency for the entire state as a result of COVID-19 pandemic. In addition, on March 16, 2020, the United States President and the Centers for Disease Control and Prevention (CDC) issued guidance advising individuals to adopt far-reaching social distancing measures, including avoiding gatherings of more than ten (10) people.

On March 19, 2020, the Florida Attorney General opined that local government bodies may conduct meetings by teleconferencing or other technological means if either a statute permits a quorum to be present by means other than in person, or that the in person requirement for constituting a quorum is lawfully suspended during the state of emergency. On March 20, 2020, the Governor issued Executive Order Number 20-69, which suspended any Florida Statute that requires a quorum to be present in person or requires a local government body to meet in at a specific public place and provided that: "local government bodies may utilize communications media technology such as telephonic and video conferencing" for their meetings.

(1) Virtual Meetings.

In order to protect the health, safety, and welfare of our students, members of the public, staff and the Board, from the danger posed by COVID-19 pandemic, all meetings of the Board during the state of emergency may be conducted by teleconferencing, video conferencing or other technological means. The provisions of Policy 8420, *Emergency Closing of Schools*, requiring any Board meeting scheduled to take place during the state of emergency to be cancelled and rescheduled is waived during the COVID-19 Emergency, as such meetings will be held by communications media technology.

(2) Board Meeting Format.

The Board meeting and Agenda Items associated with any meeting during this COVID-19 emergency period may be substantially curtailed or reduced in scope to facilitate the completion of the Board's business during these meetings. The requirement in Board Policy for the Board to conduct a Public Hearing at the conclusion of the regular agenda as provided in subsection I. of Policy 0169.1, is waived during the COVID-19 emergency period.

(3) Notice.

Notice for any School Board meeting held during the COVID-19 emergency period shall be in accordance with the provisions for regular, special and emergency meetings as required by Board Policy 0164. The notice shall include the means or method in which the public will access the virtual meeting.

(4) Public Access and Participation.

The Superintendent shall make all necessary arrangements to allow for public access and participation in these meetings to the extent required by applicable law and policy. Such means will be specified in the Notice for said meetings.

(5) Quorum.

The provisions in School Board Policy 0162 requiring a quorum to be present in person is waived.

(6) Meeting Location and Time.

The provision in Board Policy under 0165(A) requiring that the meeting be held in a specific public place and at a specific time is waived.

(7) Relationship to Other Policies.

Any School Board Policy provisions relating to meetings that otherwise do not conflict with the provisions of this policy remain in full force and effect.

(8) Duration of Policy.

This policy becomes effective upon its emergency adoption. This policy shall end ninety (90) days thereafter, unless further extended by vote of the School Board due to continued emergency conditions through the appropriate rulemaking process.

STATUTORY AUTHORITY: §§ 120.54(4), 120.81, 286.011, 286.0114, 1001.41; 1001.42, F.S.

LAWS IMPLEMENTED: §§ 1001.33; 1001.43, F.S.; Governor Executive Order Number 20-69 (March 20, 2020); Attorney General Opinion 2020-03 (March 19, 2020).