



To: Mayor and Commissioners

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in black ink, appearing to be "CL", is written over the name "Craig E. Leen".

RE: Legal Opinion Regarding Attendance Boundary Procedure

Date: February 25, 2015

---

You have asked my office to provide an opinion as to whether the School District complied with its own procedures in relation to the Attendance Boundary Committee, including the City's request to establish boundaries for Coral Gables Preparatory Academy, Carver Elementary, and Sunset Elementary. Before I begin, I would like to note that the School Board Attorney's office has already reviewed this issue and opined that the correct procedures were followed (please see the forwarded email below). In consultation with special counsel, I have now conducted my own review of the procedures, and come to the following conclusions:

1. As you know, back in late November 2014, the City raised concerns about the School Board's Controlled Choice policy affecting Coral Gables Preparatory Academy, Carver Elementary, and Sunset Elementary. At that time, School Board staff informed the City that it was not too late to seek a modification of the student assignment policies for the 2015-2016 school year. They advised that the City could attend the upcoming December 4, 2014 Attendance Boundary Committee ("ABC") meeting and ask that the schools be placed on targeted status. The City did just that, and the ABC voted on December 4th to put these three school on targeted status.
2. You have asked me to look into whether the School Board complied with its internal procedures in the manner and timing in which community members and parents were allowed to participate in that proposed change to these three schools. Before addressing this issue, it is important to note that it appears clear that constitutional due process -- notice and an opportunity to be heard -- is present here, and that there will be additional opportunities for residents and community members to attend the ABC meeting on Thursday, the Diversity, Equity, and Excellence Advisory Committee meeting in early March, and meetings before the School Board in April and June. Also, it is important to note that the ABC Committee is an advisory committee, and it is the School Board that ultimately makes this decision in April and June following public hearing, at which

hearing the residents and parents will have notice and an opportunity to be heard before any final decision is made.

3. Nevertheless, questions have been raised about whether the School Board followed its own internal procedures. I will start by explaining what the School Board's formal written policies say. First, the School Board's "Attendance Boundary Committee Operating Guidelines" (attached) set forth the purpose, membership, duties, and general structure of the Attendance Boundary Committee. Those guidelines provide very little specificity regarding how the ABC's meetings should be conducted in terms of the time and manner in which community members should be involved in proposed boundary changes. The guidelines do provide that meetings will be open to the public and that a schedule will be established. And School Board Policy 5120 "Assignment within District" (attached) just notes generally that "Community input on these boundary changes will be solicited at regional community meetings."
4. Each year, the ABC publishes a calendar of its meetings for that year. The 2014-2015 Calendar is attached to this email. The calendar sets forth an approximately eight month-long process beginning in November when the "Region Superintendents present targeted/advised school recommendations to ABC," and ending in June when the School Board itself conducts the final reading of the attendance zone changes for the coming school year. Early in that process, there are two ABC meetings that address the topic of which schools should be placed on targeted or advised status. The first of those meetings, which was held on November 6, 2014, is described on the calendar as follows: "Region Superintendents present targeted/advised school recommendations to ABC." And the second meeting, which was held on December 4, 2014, is described on the calendar as follows: "Principals and community leaders appeal initial targeting. ABC identifies final targeted schools." Between the time of those two meetings – that is, in mid-November – the calendar indicates that principals of "initially targeted schools" are notified of the initial targeting, and those principals "send written communications to parents" and schedule meetings with community and student leaders.
5. In this situation, as you know, Coral Gables Preparatory Academy, Carver Elementary, and Sunset Elementary were not among the initially targeted schools on November 6th. Instead, the December 4th ABC meeting is when it was first raised whether to put these schools on targeted status. The School Board has said consistently and clearly that adding schools at the second meeting is completely appropriate, and indeed these three schools were not the only ones to be added to the list of newly targeted schools at the December 4th meeting. In addition, there is nothing in the rules that restricts the ABC Committee from targeting schools at the December 4th meeting. In fact, the calendar indicates that this is when "ABC identifies final targeted schools." That said, the ABC calendar, as currently worded, is somewhat unclear on this point. It may be advisable for the School Board to consider making the calendar more clear in the future by indicating next to the

December 4th meeting date that “additional schools can be placed on targeted or advised status by members of the community at this time.” This would make it clearer that School Board staff-initiated changes would begin on November 6th, but that community-initiated changes could be made on December 4th. It is my understanding that this is the practice, and there is nothing in the rules that prevents this. It would simply be better to have this be stated more clearly on the calendar.

6. Another issue that has been raised relates to the notice to parents sent on November 17th after the school is initially targeted on November 6th. Here, the three controlled choice schools were not initially targeted, and thus there was no notice that could have been sent to parents on November 17th. We were told by School Board staff that notification was provided to principals and parents after the schools were targeted. The School Board also held three community meetings (one at each school) soon after the schools were targeted, and three more community meetings (one at each school) after the proposed boundary changes were circulated (and provided to parents in their students’ backpacks). The community had meaningful participation in these meetings, with speakers both for and against the boundary changes. In addition to these meetings, the City held a Town Hall meeting for residents on January 14th that was well-advertised and well-attended, and just held a public hearing on Tuesday at which the community had the opportunity to be heard, which was attended by the full City Commission and all City appointed officials, as well as the School Board members for Coral Gables, the Deputy Superintendent, and the Assistant Superintendent. Also importantly, the final decision regarding the boundary changes is made by the School Board, and there is a significant amount of time remaining before the Board first hears the matter in April.
7. One interested resident and parent who is an attorney, Paul Savage, has asserted that the ABC’s calendar is an agency “rule” which the agency is legally bound by. Respectfully, I do not agree with Mr. Savage in this particular situation. The ABC is merely an advisory committee of the School Board; the Board itself, not the ABC, is the governing body of the agency which establishes the agency’s rules and also makes its decisions regarding boundary changes. *See* School Board Policy 9125 (attached) (referring to the ABC as one of the committees that advises the Board). Furthermore, the calendar is a fairly informal document, does not use language that necessarily establishes any final or unalterable criteria, and appears to have been established without any formal vote (the way an agency rule typically would be). Moreover, according to the School Board’s actual formal Policies, it is the regional community meetings that occur during the process, not the ABC meetings, where parents are ensured the opportunity to provide input on proposed boundary changes. *See* School Board Policy 5120 (“Community input on these boundary changes will be solicited at regional community meetings.”).
8. Finally, and as a side issue, School Board Policy 9125 says that the ABC (like other committees that advise the School Board) is to use certain procedures for publication and

posting of meeting announcements. For example, “[a]ll District advisory meetings and sub-committee meetings must be posted electronically to the Board’s Citizen Information Center at least five (5) working days prior to the meeting,” and the notice must contain certain things such as a statement that “[i]f a person wishes to appeal any decision made with respect to any matter considered at this meeting (hearing), such a person should ensure the preparation of a verbatim record of the proceedings including the testimony and evidence upon which the appeal is to be based.” Furthermore, “[t]he notice must reference the meeting’s subject. If one exists, a copy of the agenda for the meeting must be provided to the Board’s Citizen Information Center.” The School Board Attorney’s office has opined that the procedural rules were followed, and I have no reason to believe this policy was not followed. I will forward my opinion to the School Board Attorney’s Office, however, to seek confirmation that these procedural requirements were followed.

To conclude, it is my opinion that constitutional due process has been provided, and that the evidence I have reviewed indicates no violation of the Board’s procedural rules has occurred. I do believe that the Board should consider clarifying its calendar and supplementing its policies to provide more guidance to parents and community members who would like to provide input and participate in the process in the future. Nevertheless, in this specific matter, there have been numerous public meetings where much public input has occurred, and these opportunities to provide public input and impact the process will continue through the School Board’s final decision in June. Thus, it is my opinion that procedural due process is clearly present here, whatever the final resolution on the merits may be. I would also state again that the School Board Attorney’s Office has opined on this issue as well, that the Board and its Attorney’s office have primary agency jurisdiction over Board rules, and that the Board Attorney’s office determined in the email below that the School Board’s procedural actions “comply with the law, School Board policy and the District’s longstanding public participation process addressing requests for school boundary changes.”

## Herbello, Stephanie

---

**From:** Leen, Craig  
**Sent:** Thursday, February 26, 2015 12:01 AM  
**To:** Chen, Brigitte; Herbello, Stephanie  
**Cc:** Figueroa, Yanneris  
**Subject:** FW: City Attorney Opinion Regarding Attendance Boundary Procedures  
**Attachments:** Policy 5120 Assignment Within District.mht; ABC Operating Guidelines 09-12-07 for 2014-2015.pdf; Policy 9125.htm; abc\_cal\_14-15.pdf

Please place in opinion folder with attachments.

**Craig E. Leen, City Attorney**  
*Board Certified by the Florida Bar in  
City, County and Local Government Law*  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, Florida 33134  
Phone: (305) 460-5218  
Fax: (305) 460-5264  
Email: [cleen@coralgables.com](mailto:cleen@coralgables.com)

---

**From:** Leen, Craig  
**Sent:** Wednesday, February 25, 2015 11:35 PM  
**To:** Commissioners  
**Cc:** Swanson-Rivenbark, Cathy; Foeman, Walter; 'Abby Corbett'  
**Subject:** City Attorney Opinion Regarding Attendance Boundary Procedures

Mayor and Commissioners,

You have asked my office to provide an opinion as to whether the School District complied with its own procedures in relation to the Attendance Boundary Committee, including the City's request to establish boundaries for Coral Gables Preparatory Academy, Carver Elementary, and Sunset Elementary. Before I begin, I would like to note that the School Board Attorney's office has already reviewed this issue and opined that the correct procedures were followed (please see the forwarded email below). In consultation with special counsel, I have now conducted my own review of the procedures, and come to the following conclusions:

1. As you know, back in late November 2014, the City raised concerns about the School Board's Controlled Choice policy affecting Coral Gables Preparatory Academy, Carver Elementary, and Sunset Elementary. At that time, School Board staff informed the City that it was not too late to seek a modification of the student assignment policies for the 2015-2016 school year. They advised that the City could attend the upcoming December 4, 2014 Attendance Boundary Committee ("ABC") meeting and ask that the schools be placed on targeted status. The City did just that, and the ABC voted on December 4th to put these three school on targeted status.
2. You have asked me to look into whether the School Board complied with its internal procedures in the manner and timing in which community members and parents were allowed to participate in that proposed change to these three schools. Before addressing this issue, it is important to note that it appears clear that constitutional due process -- notice and an opportunity to be heard -- is present here, and that there will be additional opportunities for residents and community members to attend the ABC meeting on Thursday, the Diversity, Equity, and Excellence Advisory Committee meeting in early March, and meetings before the School Board in

April and June. Also, it is important to note that the ABC Committee is an advisory committee, and it is the School Board that ultimately makes this decision in April and June following public hearing, at which hearing the residents and parents will have notice and an opportunity to be heard before any final decision is made.

3. Nevertheless, questions have been raised about whether the School Board followed its own internal procedures. I will start by explaining what the School Board's formal written policies say. First, the School Board's "Attendance Boundary Committee Operating Guidelines" (attached) set forth the purpose, membership, duties, and general structure of the Attendance Boundary Committee. Those guidelines provide very little specificity regarding how the ABC's meetings should be conducted in terms of the time and manner in which community members should be involved in proposed boundary changes. The guidelines do provide that meetings will be open to the public and that a schedule will be established. And School Board Policy 5120 "Assignment within District" (attached) just notes generally that "Community input on these boundary changes will be solicited at regional community meetings."
4. Each year, the ABC publishes a calendar of its meetings for that year. The 2014-2015 Calendar is attached to this email. The calendar sets forth an approximately eight month-long process beginning in November when the "Region Superintendents present targeted/advised school recommendations to ABC," and ending in June when the School Board itself conducts the final reading of the attendance zone changes for the coming school year. Early in that process, there are two ABC meetings that address the topic of which schools should be placed on targeted or advised status. The first of those meetings, which was held on November 6, 2014, is described on the calendar as follows: "Region Superintendents present targeted/advised school recommendations to ABC." And the second meeting, which was held on December 4, 2014, is described on the calendar as follows: "Principals and community leaders appeal initial targeting. ABC identifies final targeted schools." Between the time of those two meetings – that is, in mid-November – the calendar indicates that principals of "initially targeted schools" are notified of the initial targeting, and those principals "send written communications to parents" and schedule meetings with community and student leaders.
5. In this situation, as you know, Coral Gables Preparatory Academy, Carver Elementary, and Sunset Elementary were not among the initially targeted schools on November 6th. Instead, the December 4th ABC meeting is when it was first raised whether to put these schools on targeted status. The School Board has said consistently and clearly that adding schools at the second meeting is completely appropriate, and indeed these three schools were not the only ones to be added to the list of newly targeted schools at the December 4th meeting. In addition, there is nothing in the rules that restricts the ABC Committee from targeting schools at the December 4th meeting. In fact, the calendar indicates that this is when "ABC identifies final targeted schools." That said, the ABC calendar, as currently worded, is somewhat unclear on this point. It may be advisable for the School Board to consider making the calendar more clear in the future by indicating next to the December 4th meeting date that "additional schools can be placed on targeted or advised status by members of the community at this time." This would make it clearer that School Board staff-initiated changes would begin on November 6th, but that community-initiated changes could be made on December 4th. It is my understanding that this is the practice, and there is nothing in the rules that prevents this. It would simply be better to have this be stated more clearly on the calendar.
6. Another issue that has been raised relates to the notice to parents sent on November 17th after the school is initially targeted on November 6th. Here, the three controlled choice schools were not initially targeted, and thus there was no notice that could have been sent to parents on November 17th. We were told by School Board staff that notification was provided to principals and parents after the schools were targeted. The School Board also held three community meetings (one at each school) soon after the schools were targeted, and three more community meetings (one at each school) after the proposed boundary changes were circulated (and provided to parents in their students' backpacks). The community had meaningful participation in these meetings, with speakers both for and against the boundary changes. In addition to these meetings, the City held a Town Hall meeting for residents on January 14th that was well-advertised and well-attended, and just held a public hearing on Tuesday at which the community had the opportunity to be heard, which was attended by the full City Commission and all City appointed officials, as well as the School Board members for Coral Gables, the

Deputy Superintendent, and the Assistant Superintendent. Also importantly, the final decision regarding the boundary changes is made by the School Board, and there is a significant amount of time remaining before the Board first hears the matter in April.

7. One interested resident and parent who is an attorney, Paul Savage, has asserted that the ABC's calendar is an agency "rule" which the agency is legally bound by. Respectfully, I do not agree with Mr. Savage in this particular situation. The ABC is merely an advisory committee of the School Board; the Board itself, not the ABC, is the governing body of the agency which establishes the agency's rules and also makes its decisions regarding boundary changes. See School Board Policy 9125 (attached) (referring to the ABC as one of the committees that advises the Board). Furthermore, the calendar is a fairly informal document, does not use language that necessarily establishes any final or unalterable criteria, and appears to have been established without any formal vote (the way an agency rule typically would be). Moreover, according to the School Board's actual formal Policies, it is the regional community meetings that occur during the process, not the ABC meetings, where parents are ensured the opportunity to provide input on proposed boundary changes. See School Board Policy 5120 ("Community input on these boundary changes will be solicited at regional community meetings.").
8. Finally, and as a side issue, School Board Policy 9125 says that the ABC (like other committees that advise the School Board) is to use certain procedures for publication and posting of meeting announcements. For example, "[a]ll District advisory meetings and sub-committee meetings must be posted electronically to the Board's Citizen Information Center at least five (5) working days prior to the meeting," and the notice must contain certain things such as a statement that "[i]f a person wishes to appeal any decision made with respect to any matter considered at this meeting (hearing), such a person should ensure the preparation of a verbatim record of the proceedings including the testimony and evidence upon which the appeal is to be based." Furthermore, "[t]he notice must reference the meeting's subject. If one exists, a copy of the agenda for the meeting must be provided to the Board's Citizen Information Center." The School Board Attorney's office has opined that the procedural rules were followed, and I have no reason to believe this policy was not followed. I will forward my opinion to the School Board Attorney's Office, however, to seek confirmation that these procedural requirements were followed.

To conclude, it is my opinion that constitutional due process has been provided, and that the evidence I have reviewed indicates no violation of the Board's procedural rules has occurred. I do believe that the Board should consider clarifying its calendar and supplementing its policies to provide more guidance to parents and community members who would like to provide input and participate in the process in the future. Nevertheless, in this specific matter, there have been numerous public meetings where much public input has occurred, and these opportunities to provide public input and impact the process will continue through the School Board's final decision in June. Thus, it is my opinion that procedural due process is clearly present here, whatever the final resolution on the merits may be. I would also state again that the School Board Attorney's Office has opined on this issue as well, that the Board and its Attorney's office have primary agency jurisdiction over Board rules, and that the Board Attorney's office determined in the email below that the School Board's procedural actions "comply with the law, School Board policy and the District's longstanding public participation process addressing requests for school boundary changes."

**Craig E. Leen, City Attorney**

*Board Certified by the Florida Bar in  
City, County and Local Government Law*  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, Florida 33134  
Phone: (305) 460-5218  
Fax: (305) 460-5264  
Email: [cleen@coralgables.com](mailto:cleen@coralgables.com)

---

**From:** Mcnichols, Mindy [<mailto:MMcNichols@dadeschools.net>]  
**Sent:** Tuesday, February 17, 2015 4:51 PM  
**To:** Leen, Craig  
**Subject:** FW: Attendance Boundary Committee

FYI

---

**From:** Mcnichols, Mindy  
**Sent:** Tuesday, February 17, 2015 4:25 PM  
**To:** 'paul@savage.legal.com'  
**Cc:** Harvey, Walter J.; Payne Jr, Albert; Cone, Steffond L.  
**Subject:** Attendance Boundary Committee

Mr. Savage:

This email responds to some of the issues you have raised and questions you have asked in your emails and letters dated February 9, 11, 13 and 14, 2015, regarding the District's Attendance Boundary Committee (ABC) process. The School Board provides more public notice and participation opportunities when addressing requests for school boundary changes than is required by law. For the last thirty-four (34) years, the School Board has voluntarily engaged in the informal public ABC process, which is open to any member of the community and extends over eight (8) months, in order to provide maximum opportunities for collaborative, non-adversarial community input and participation that will result in the best possible outcomes for our students.

The ABC, an advisory committee of citizens, is governed by School Board Policy 5120, *Assignment Within District* (Attached). The Committee is also guided by its own internal operating guidelines. (Attached) The Office of the School Board Clerk is 1450 NE 2<sup>nd</sup> Ave., Miami, FL 33132. The other questions you have asked in your February 14 email and all future requests regarding the process, public records, timelines, etc., may be submitted pursuant to Chapter 119, F.S., to the Citizen's Information Office at [info@dadeschools.net](mailto:info@dadeschools.net).

Our office has reviewed the procedural steps and actions that have taken place thus far as they relate to the ABC process, the District and its staff. We are confident that these actions comply with the law, School Board policy and the District's longstanding public participation process addressing requests for school boundary changes.

Sincerely,

Mindy McNichols  
Assistant School Board Attorney



## MIAMI-DADE COUNTY PUBLIC SCHOOLS ATTENDANCE BOUNDARY COMMITTEE (ABC) 2014-2015 CALENDAR

**August/September 2014**

Appointment of Attendance Boundary Committee (ABC) Members.

**Thursday, October 23, 2014 – 11:30 a.m.**

**NEW MEETING TIME**

South Florida Educational Federal Credit Union 2<sup>nd</sup>  
Floor Conference Room  
1498 N.E. 2<sup>nd</sup> Avenue  
Miami, Florida 33132

**Orientation meeting for ABC Members.**

ABC receives Permanent Florida Inventory of School Houses (FISH) Capacities.

**Thursday, November 6, 2014 – 9:30 a.m.**

**NEW LOCATION**

School Board Administration Building  
1450 N.E. 2<sup>nd</sup> Avenue, Conference Room 916  
Miami, Florida 33132

Region Superintendents present targeted/advised school recommendations to ABC.

ABC reviews Permanent FISH Capacities and identifies initially targeted schools.

**Wednesday, November 12, 2014**

Principals notified of initially targeted schools. Principals schedule meetings with community and student leaders.

**Monday, November 17, 2014**

Principals of initially targeted schools send written communication to parents.

**Thursday, December 4, 2014 – 9:30 a.m.**

School Board Administration Building

**NEW LOCATION**

1450 N.E. 2<sup>nd</sup> Avenue, Conference Room 916  
Miami, Florida 33132

Principals and community leaders appeal initial targeting. ABC identifies final targeted schools.

**Wednesday, December 17, 2014**

Principals of final targeted schools notified.

**Friday, December 19, 2014**

Education Transformation Office (ETO)

Education Transformation Office (ETO) posts dates of community meetings for targeted schools.

**January 5, 2015 – January 9, 2015**

Central Region and South Region

Central Region and South Region post dates of community meetings for targeted schools.

**January 12, 2015 – January 30, 2015**

Education Transformation Office (ETO)

Regions hold community meetings jointly with Office of School Facilities and School Operations to present proposed boundary recommendations to affected communities and to receive their input. Regions modify recommendations as needed. Regions assist citizens with recommendations.

**January 20, 2015 - February 6, 2015**

Central Region and South Region



## MIAMI-DADE COUNTY PUBLIC SCHOOLS ATTENDANCE BOUNDARY COMMITTEE (ABC) 2014-2015 CALENDAR

**January 12, 2015 – January 30, 2015**  
Education Transformation Office (ETO)

Education Transformation Office (ETO) submits camera ready reports of all community information meetings to School Operations after each meeting.

**January 20, 2015 - February 6, 2015**  
Central Region and South Region

Central Region and South Region submit camera ready reports of all community information meetings to School Operations after each meeting.

**Wednesday, February 11, 2015**

All community recommendations must be submitted to respective Region Office by noon.

**Friday, February 13, 2015**

Regions submit all recommendations to School Operations by noon.

**Tuesday, February 17, 2015**

Principals schedule meetings with community and student leaders to inform them of recommendations affecting their school that will be presented to ABC. Recommendations are also posted on bulletin board and/or other prominent location at school.

**Thursday, February 26, 2015 at 9:30 a.m.**  
School Board Administration Building  
Update: 1450 N.E. 2<sup>nd</sup> Avenue, Auditorium  
Miami, Florida 33132

ABC reviews recommendations submitted by community/Region Offices.

**Thursday, March 5, 2015 at 9:30 a.m.**  
School Board Administration Building  
1450 N.E. 2<sup>nd</sup> Avenue, Conference Room 559  
Miami, Florida 33132

Diversity, Equity, and Excellence Advisory Committee's (DEEAC) scheduled meeting at which ABC boundary recommendations and alternate attendance boundary proposals are presented.

**NOTE:** This meeting is held by the DEEAC and the Region Superintendents are present. ABC members attendance is optional (the Chair attends).

**Wednesday, March 18, 2015 at 9:30 a.m.**  
School Board Administration Building  
1450 N.E. 2<sup>nd</sup> Avenue, Conference Room 916  
Miami, Florida 33132

Region Superintendents present recommendations approved by the ABC to Superintendent of Schools, School Board Attorney, and appropriate staff.

**NOTE:** This meeting everyone attends and the same presentation is used.

**Monday, March 30, 2015**

Principals send written communication to affected communities and schedule community informational meetings to inform community of Superintendent's recommendations and alternate attendance boundary proposals that affect their school.



**MIAMI-DADE COUNTY PUBLIC SCHOOLS  
ATTENDANCE BOUNDARY COMMITTEE (ABC)  
2014-2015 CALENDAR**

**Wednesday, April 15, 2015**  
School Board Administration Building  
1450 N.E. 2<sup>nd</sup> Avenue, Auditorium  
Miami, Florida 33132

9:00 a.m. School Board Conference Session  
Attendance Zones 2015-2016

11:00 a.m. School Board Meeting - Initial Reading  
Attendance Zones 2015-2016

**Thursday, May 7, 2015 – 9:30 a.m.**  
School Board Administration Building  
1450 N.E. 2<sup>nd</sup> Avenue, Conference Room 559  
Miami, Florida 33132

Review of ABC Process

**Wednesday, June 17, 2015**  
School Board Administration Building  
1450 N.E. 2<sup>nd</sup> Avenue, Auditorium  
Miami, Florida 33132

11:00 a.m. School Board Meeting - Final Reading  
Attendance Zones 2015-2016



## MIAMI-DADE COUNTY PUBLIC SCHOOLS ATTENDANCE BOUNDARY COMMITTEE OPERATING GUIDELINES

### NAME

The name of this association is Miami-Dade County Public Schools Attendance Boundary Committee (ABC).

### PURPOSE

The purpose of the ABC is to review proposed boundary recommendations that have been developed by the Superintendent of Schools, with the assistance of School Operations and the Office of School Facilities, and that have been presented at Regional meetings to the affected school communities; to review and listen to any parent/community member who has submitted a M-DCPS ABC Recommendation Form according to appropriate guidelines/timelines; and to present recommendations to the Superintendent, the Diversity, Equity and Excellence Advisory Committee and the School Board on those proposals. ABC is subject to the Florida Sunshine Law (Section 286.011, Florida Statutes). ABC recommendations and/or actions inconsistent with federal, state or School Board rules cannot be proposed, promulgated or acted upon by the committee. The ABC may pass additional motions to be considered by the School Board; these motions will be included in the document *Attendance Zone Recommendations and Related Administrative Actions*. In reviewing proposed recommendations and in making recommendations, the ABC will take the following factors into consideration:

- Compliance with Class Size Reduction mandate
- Impact on Special Education Programs (SPED)
- Use of available student stations within contiguous areas
- Degree and extent of transportation
- Programmatic impact due to lack of student housing
- Reduction of the number of schools students must attend
- Integrity of feeder systems
- Assignment of students from new residential developments to specific schools prior to completion of developments
- Construction of new schools
- Promotion and maintenance of diverse school enrollments
- Prevention, reduction or elimination of racial isolation to the extent practical

### MEMBERSHIP

Membership in the ABC shall include:

1. One representative of each School Board Member;
2. Five representatives of the Superintendent of Schools;
3. One representative of the Dade County Council PTA/PTSA;
4. One representative of the Diversity, Equity and Excellence Advisory Committee;
5. One representative of the Superintendent's District Advisory Panel for Students with Disabilities.

The term of membership shall be for one year. Members are eligible to serve four consecutive terms. After a member has served four consecutive terms, a period of one year, during which they may serve as an alternate, must pass before they may be reappointed as a member. Each member shall have an alternate to serve as needed in the member's absence. All members serve at the discretion of the appointing entity. Employees of Miami-Dade County Public Schools are not eligible for appointment or membership.

## OFFICERS AND ELECTIONS

The officers of the ABC will include a chair and a vice chair. The term of office will be one year. Officers are eligible to serve no more than two consecutive terms in the same office. Officers will be elected by voice vote at the ABC orientation meeting. A majority vote will be needed to elect.

### DUTIES OF OFFICERS

The Chair shall:

1. Preside at all meetings of the ABC at which he/she is present,
2. Ensure that the ABC is represented at meetings with the School Board, with M-DCPS administration and at other meetings/committees when called upon to do so,
3. Act as ex-officio at all Attendance Boundary Committee meetings,
4. Act as the representative or appoint a designee and alternate for a term of one (1) year to the following committees: School Site Planning and Construction Committee, and the K-8 Center Administrative Committee, and,
5. Perform any other duties that are assigned by the membership of the ABC.

The Vice Chair shall:

1. Act as an aide to the Chair,
2. Perform the duties of the Chair in the absence or disability of that officer to act, and
3. Perform any other duties that are assigned by the membership of the ABC.

### MEETINGS

The schedule of ABC meetings will be established at the first meeting of the committee. A special meeting may be called by the Chair with appropriate public notice given.

Notice of the agenda, date, time and location of each meeting will be provided to all ABC members and will meet the requirements of the Florida Sunshine Law. Minutes will be taken at all meetings and will be made available. Meetings will be open to the public. The Parliamentary authority of the ABC meetings will be *Robert's Rules of Order Newly Revised*.

### QUORUM AND VOTING

Nine members will constitute the quorum necessary for any action requiring a vote. Voting privileges are limited to the members. Each member is entitled to one vote. If a member has a conflict of interest, he/she must disclose the conflict of interest and must abstain from voting. An alternate may only vote when the member they represent is absent. Proxy or absentee votes will not be permitted.

### SUPPORT SERVICES

District staff will provide the ABC members with pertinent data and related materials, including minutes of meetings.

### FLORIDA SUNSHINE LAW

Members of the ABC are subject to the Florida Sunshine Law (Section 286.011, Florida Statutes).

### CONFLICT OF INTEREST

ABC members are subject to Section 112.312(1), Florida Statutes, which is the Code of Ethics of Public Officers and Employees. The Code of Ethics is embodied in Part III of the Chapter 112, Florida Statutes.

### AMENDMENTS

These guidelines may be amended at any regular meeting of the ABC by a two-thirds vote of the members present. Proposed amendments to these guidelines may be submitted by any member at any time.

Management Documents

- Bylaws & Policies
- Policy Crosswalk
- Administrative Procedures
- Forms
- State Government

Search for:

Find It !

**The School Board of Miami-Dade County**  
**Bylaws & Policies**

Unless a specific policy has been amended and the date the policy was revised is noted at the bottom of that policy, the Bylaws and Policies of the Miami-Dade County Public Schools were adopted on May 11, 2011 and were in effect beginning July 1, 2011.

---

**5120 - ASSIGNMENT WITHIN DISTRICT**

The assignment of students to District schools shall be consistent with the best interests of students and the best use of District resources.

**Attendance Areas 2014-2015**

The Superintendent is responsible for proposing attendance areas for District schools. The Superintendent will be assisted in this task by the School Operations, the Office of School Facilities, and the Attendance Boundary Committee.

To comply with the mandate of class size reduction, the Office of School Facilities and School Operations will provide the Attendance Boundary Committee and the community with proposed attendance boundary changes for schools in 2014-2015. Community input on these boundary changes will be solicited at regional community meetings. Individuals who wish to present alternate recommendations will be assisted by region staff. Any alternate proposals must be reviewed through the same process as the Superintendent's proposals. Community and Attendance Boundary Committee meetings will be held to present the attendance boundaries established for 2014-2015.

The Attendance Boundary Committee will take the following factors into consideration when reviewing proposed attendance areas regarding school boundaries: compliance with class size reduction mandate, impact on special education programs, use of available student stations within contiguous areas, degree and extent of transportation, programmatic impact due to lack of student housing, reduction of the number of schools students must attend, integrity of feeder systems, assignment of students from new residential developments to specific schools prior to completion of developments, construction of new schools, promotion and maintenance of diverse school enrollments, and prevention, reduction or elimination of racial isolation to the extent practicable.

Staff in School Operations, Office of School Facilities, Information Technology Services, Department of Transportation, Research Services, Office of Diversity Compliance, and Office of Intergovernmental Affairs & Grants Administration and Community Engagement, will assist the Superintendent in providing data, analyze proposed attendance areas, and prepare recommendations for submission to the School Board.

The Board-approved school attendance zones for the current school year are contained in the following documents:

- A. Attendance Zones Previously approved by the Board - 2014-2015;
- B. [Attendance Zone Recommendations and Related Administrative Actions –2014-2015.](#)

Copies of these documents are incorporated by reference in this policy and made a part hereof. They are on file in the Office of Board Recording Secretary and in the Citizen Information Center.

No assignment to schools or attendance schedules shall discriminate against students on the basis of gender,

sexual orientation, gender identification, race, religion, disability, color, ethnic or national origin, marital status, genetic information, age, political beliefs, social and family background, linguistic preference, medical reason, pregnancy, childbirth, medical condition to pregnancy, handicap, handicap against a student or employee, and any other legally prohibited basis.

The parent of siblings who are assigned to the same grade level and school may request that the school place the siblings in the same classroom or in separate classrooms. This request must be made no later than five (5) days before the first day of school each school year or five (5) days after the first day of attendance of the students if the students are enrolled in school after the school year commences. The school is not required to meet the request if there is factual evidence indicating a specific placement is better for the student than that requested by the parent.

The Superintendent may assign a student to a school other than that designated by the attendance area when such exception is justified by circumstances and is in the best interest of the student.

Every effort shall be made to continue a student in the elementary school to which s/he is initially assigned.

Wherever possible and advisable in the interests of the students, siblings shall be assigned to the same building.

The Superintendent shall assign incoming transfer students to such schools, grades, and classes as may afford each student the greatest likelihood of realizing fullest educational potential.

The principal shall assign students in his/her school to appropriate grades, classes, or groups. This action shall be based on consideration of the needs of the student as well as the administration of the school.

### **Request for Student Transfers**

A student may be permitted to attend a school other than the school serving the parents' residential area as stipulated in Policy [5131](#).

### **Nonresident Students**

Students who are not residents of Miami-Dade County may attend the District as stipulated in Policy [5131](#).

F.S. 1000.05, 1001.41, 1002.20, 1002.31, 1003.06

Revised 6/15/11

Revised 7/18/12

Revised 4/17/13

Revised 6/18/14

© Neola 2010

## The School Board of Miami-Dade County Bylaws & Policies

Unless a specific policy has been amended and the date the policy was revised is noted at the bottom of that policy, the Bylaws and Policies of the Miami-Dade County Public Schools were adopted on May 11, 2011 and were in effect beginning July 1, 2011.

---

### 9125 - NOTICE OF DISTRICT ADVISORY COMMITTEE MEETINGS

The Superintendent and administrative staff are encouraged to provide for the creation of appropriate organizations such as councils, cabinets, and committees that will foster communication with the community, parents, and staff and support the District's objectives.

All District advisory committee and sub-committee meetings shall be held in open public sessions and all materials made in connection with official business of these meetings and not exempt from disclosure pursuant to Florida statutes are open for public inspection, pursuant to Florida's Government-in-the-Sunshine and Public Records Laws, F.S. Chapters 286.011 and 119. School Board members shall have the right to attend and may participate in any School District advisory committee meeting.

District advisory committees, attendance boundary committees, Educational Excellence School Advisory Councils (EESACs), Board committees, and all other committees that advise the Board are to use the following procedures for publication and posting of the District's meeting announcements.

A notice of a meeting at a location other than the Board Administration Building (SBAB) must be posted in a public area, such as a school lobby, where interested persons will see it at least five (5) working days before the meeting is to take place. All District advisory meetings and sub-committee meetings must be posted electronically to the Board's Citizen Information Center at least five (5) working days prior to the meeting. A District-recognized holiday or recess will not count as one (1) of the five (5) days. The day of posting will count as the first of the five (5) days so long as the notice is posted before 10 a.m. The day of the meeting will count as the fifth day if the meeting is held after 4:30 p.m. The notice must reference the meeting's subject. If one exists, a copy of the agenda for the meeting must be provided to the Board's Citizen Information Center (SBAB Room 158, FAX 305-995-1151, Work Location No. 9043).

Procedures for posting notices of meetings can be found in the User Guide at <http://ehandbooks@dadeschools.net>

#### Postponed or Cancelled Meetings

If a meeting has been advertised but cannot be held and must be cancelled due to circumstances beyond the District's control (i.e., act of God or force majeure war, labor strike, or extreme weather), the re-notice of the meeting shall only require forty-eight (48) hours notice for the meeting.

Cancellations of meetings must also be posted. To cancel a meeting, locate the meeting on the District's web site, and use the password provided at the time of posting. Upon receipt of the e-mail confirming cancellation, the hardcopy of the notice of cancellation should be printed and used to replace or cover the original meeting announcement at the work location.

#### Additional Requirements

- A. Minutes of all meetings must be kept.
- B. The following statement should appear on every notice of a meeting: "If a person wishes to appeal any decision made with respect to any matter considered at this meeting (hearing), such a person should ensure the preparation of a verbatim record of the proceedings including the testimony and evidence

upon which the appeal is to be based."

- C. Committees should conduct some form of vote on all substantive issues that are to be recommended to the Board.
- D. No meeting may be held at any facility or location that discriminates on the basis of sex, race, color, religion, ethnic or national origin, political beliefs, marital status, age, gender, gender identification, sexual orientation, social and family background, linguistic preference, disability, or economic status or that operates in such a manner as to unreasonably restrict public access to such a facility.
- E. The following access statement must appear on every notice of a meeting:

"If you have a disability that requires an accommodation, you may call the individual listed as the Contact Person for the above-posted meeting or call the Telecommunications Device for the Deaf (TDD) at (305) 995-2400. Requests for accommodations or assistance must be made at least forty-eight (48) hours in advance. For special equipment (chair lifts, special wheel chairs, etc.) or other special assistance, such as a sign language interpreter or meeting materials, the request for assistance must be made at least five (5) days in advance." Should you have any questions or concerns regarding compliance with the Americans with Disabilities Act (ADA), you should contact the Division of Facilities ADA Compliance, at (305) 995-4650.

F.S. Ch. 119, 286.011, 1001.41(1)(2), 1001.42(23), 1001.43(10), 1001.452

Revised 9/7/11

©Miami-Dade, 2011