

Non-salaried Expenditures**PURCHASE APPROVAL AND COMPETITIVE BIDDING PROCESS REQUIREMENTS**

1. The Superintendent may be authorized to purchase commodities or contractual services where the total amount does not exceed an amount prescribed by the school board, and does not exceed the applicable appropriation in the district budget. The Superintendent may also be authorized to purchase commodities or contractual services under Department of Management Services state term contracts. Assistants functioning under the Superintendent's direction may be authorized to perform these purchasing tasks.
2. In each school district in which the purchasing agent for any public agency is authorized by law to make purchases for the benefit of other governmental agencies within the county, the district school board shall have the option to purchase under the current contracts as established for these public agencies at or below the stated unit price, if the purchase is economically advantageous to the district school board, and the items purchased conform to the standards and specifications prescribed by the Superintendent.
3. As required by Section 1001.42(12)(j), Florida Statutes, the district school board shall receive and consider available prices according to the rules of the Department of Management Services, Division of Purchasing. District school boards may use prices established by the Division of Purchasing through its state purchasing agreement price schedule. If district school board policy provides for purchasing under this state purchasing program, the conditions for use shall be those imposed on state agencies.
4. In lieu of requesting competitive solicitations from three (3) or more sources, district school boards may make purchases at or below the specified prices from contracts awarded by other city or county governmental agencies, other district school boards, community colleges, federal agencies, the public or governmental agencies of any state, or from state university system cooperative bid agreements, when the proposer awarded a contract by another entity permits purchases by a district school board on the same terms, conditions, and prices (or below such prices) awarded in the contract, and the purchases are economically advantageous to the district school board.
5. Except as authorized by law or rule, competitive solicitations shall be requested from three (3) or more sources for any authorized commodities or contractual services exceeding \$50,000.

6. The requirement for requesting competitive solicitations for commodities or contractual services from three or more sources is waived pursuant to Section 1010.04(4)(a), Florida Statutes, for:
 - a. the purchase by district school boards of professional services which shall include artistic services, academic program reviews, lectures by individuals, auditing services not subject to Section 218.391, F.S., legal services, including attorney, paralegal, expert witness, court reporting, appraisal or mediator services; and health services involving examination, diagnosis, treatment, prevention, medical consultation or administration; and
 - b. the purchase by district school boards of educational services and copyrighted materials including educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, videotapes, dvds, disc or tape recordings, digital recordings, or similar audio-visual materials, and for library and reference books, and printed library cards where these materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent with the state, a governmental agency or a recognized educational institution.
7. The district school board shall have the authority to reject any or all proposals submitted in response to any competitive solicitation and to request new proposals or purchase the required commodities or contractual services in any other manner authorized by this section.
8. Regarding invitations to bid, the district school board may accept the proposal of the lowest responsive, responsible proposer. Alternatively, the district school board may also award contracts to the lowest responsive, responsible bidder as the primary awardee of a contract and to the next lowest responsive, responsible bidder(s) as alternate awardees from whom commodities or contractual services would be purchased should the primary awardee become unable to provide all of the commodities or contractual services required by the district school board during the term of the contract. Multiple awards to the lowest responsive and responsible bidders are permitted when multiple awards are clearly allowed by the bid solicitation documents.
9. Regarding requests for proposals, district school boards may award contracts to one or more responsive, responsible proposers in accordance with the selection criteria published in the request for proposal. The district school board is not required to request proposals for purchases made from contracts of the Department of Management Services.

10. The purchase of food products except milk, required for the School Food Service Program and other ancillary food operations are exempt from the bid requirements pursuant to State Board of Education Rule 6A-7.0411(2)(i)2.
11. Additional exemptions authorized under certain conditions:
 - a. The requirements for requesting competitive solicitations and making purchases for commodities and contractual services are waived pursuant to Section 1010.04(4)(a), Florida Statutes, when the following conditions have been met by the district school board:
 1. competitive solicitations have been requested in the manner prescribed by this rule, and
 2. the district school board has made a finding that no valid or acceptable firm proposal has been received within the prescribed time.

When such a finding has been officially made, the district school board may enter into negotiations with suppliers of such commodities and contractual services and shall have the authority to execute contracts with such vendors under the terms and conditions the district school board determines are in its best interests.

If fewer than two responsive proposals for commodity or contractual services are received, the district school board may negotiate the best terms and conditions or decide to reject all proposals. The district school board shall document the reasons that negotiating terms and conditions with the sole proposer is in the best interest of the school district in lieu of soliciting new proposals.

12. Commodities or contractual services available from a single source may be exempted from the competitive solicitation requirements. When a district school board believes that commodities or contractual services are available only from a single source, the district school board shall electronically or otherwise publicly post a description of the commodities or contractual services for a period of at least 7 business days. The description must include a request that prospective vendors provide information regarding their ability to supply the commodities or contractual services described. If it is determined in writing by the district school board, after reviewing any information received from prospective vendors, that the commodities or contractual services are available only from a single source, the district school board shall provide notice of its intended decision to enter a single source contract in the manner specified in

Section 120.57(3), Florida Statutes, and may negotiate the best terms and conditions with the single source vendor.

13. District school boards may dispense with requirements for competitive solicitations for the emergency purchase of commodities or contractual services when the Superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the school district requires emergency action. After the Superintendent makes such a written determination, the district school board may procure commodities or contractual services necessitated by the immediate danger, without requesting competitive solicitations. However, such an emergency purchase shall be made by obtaining pricing information from at least two prospective vendors, which must be retained in the contract file, unless the Superintendent determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the school district.
14. A contract for commodities or contractual services may be awarded without competitive solicitations if state or federal law, a grant or a state or federal agency contract prescribes with whom the district school board must contract or if the rate of payment is established during the appropriations process.
15. A contract for regulated utilities or government franchised services may be awarded without competitive solicitations.
16. As much as practicable, all purchases shall be based on contracts, purchasing card systems, electronic procurements or purchase orders.
17. A district school board, when acquiring, whether by purchase, lease, lease with option to purchase, rental or otherwise, information technology, as defined in Section 282.0041(15), Florida Statutes, may make acquisitions through the competitive solicitation process or by direct negotiation and contract with a vendor or supplier, as fits the needs of the school district as determined by the district school board.
18. Except as otherwise required by statute, a district school board, when purchasing insurance, entering risk management programs, or contracting with third party administrators, may use the competitive solicitation process or direct negotiations and contract.
19. Emergency purchases made and approved by the Superintendent of Schools or the Superintendent's designated representative. The Superintendent of Schools will report all emergency purchases to the School Board, as soon as possible.

When an emergency arises, circumstances contributing to such an emergency shall be communicated to the proper department or agency of the Board, which in turn will notify Procurement Management, requesting the emergency purchase.

A requisition for an emergency purchase shall be accompanied by the appropriate Emergency Purchase Request Form, explaining the circumstances creating the emergency and clarifying that immediate action is required to protect the Board's interests. Emergency purchases are divided into two categories as follows:

- I. Emergency Purchase Request (Form B FM-3739) - Estimated Expenditure - \$50,000 and under. Requires the signature of the initiating administrator, recommended by Director or above and approval by the Assistant Superintendent or above or his/her designee(s), whose designation shall have prior approval by the Superintendent.
 - II. Emergency Purchase Request (Form A FM-2333) - Estimated Expenditure - over \$50,000. Requires the signature of the initiating administrator, recommended by the Assistant Superintendent or above, or his/her designee(s) and approval by Superintendent of Schools. Emergency purchases over \$50,000 shall be reported to the Board.
20. Competitive bidding is waived for purchases of maintenance and/or service contracts, on various types of technical equipment, that are offered and/or supplied only by the original manufacturer or its representative, or that are required to maintain the integrity of the manufacturer's warranty, or that are part of the manufacturer's rental/lease/lease purchase agreements terms and conditions.
 21. Non-Purchase Order Invoice Funds Reservation Purchases are purchases for goods and services, expenditures, fund transfers, etc., that are not appropriate for normal competitive purchasing procedures. Only the expenditures listed will be authorized and processed as Non-Purchase Order Invoice Funds Reservation Purchases. Non-Purchase Order Invoice Funds Reservation purchases require the same financial authorization and approval process as purchase requisitions and shopping carts. Those purchases for goods and services, expenditures, fund transfers, etc., that are authorized for Non-Purchase Order Invoice Funds Reservation Purchases are limited to include various types of fund advances, services, reimbursements and purchases, and/or payment for goods and services, which are not appropriate for normal competitive purchasing procedures:

Additional Contracted Services (polygraph, court reporting/
 transcribing, etc.)
 Admission Fees
 Association Fees, Professional Association Dues and
 Charges
 Distribution of Funds - Athletic Programs, Vending Machine
 Commissions
 Facilities Fees, Rentals/Leases and Utilities including monthly utility
 charges, service and connection fees
 Fees for Graduation Exercises (non-employees, union charges,
 etc.)
 Field Trips
 Tickets
 Advance Registration
 Hotel Accommodations
 Groceries and Supplies for Home Economics Classes
 Insurance Policies Reimbursements
 Legal Settlement Payments and bonds
 License Fees and Agreements
 Media Advertising (newspaper, radio, television, etc.)
 Media Programs, Refreshments, Reimbursement - Grant Funds
 Permit Fees
 Petty Cash Replenishment
 Postage Requisitions
 Property Loss Payment
 Registration Fees
 State Fees (retirement, unemployment compensation, etc.)
 Tax Related Payments
 Toll Charges for Transportation, Maintenance, Stores and
 Distribution, and other departments, as may be required
 Travel Reimbursement for Non-Employees

BIDDING PROCESS

The Board will issue, receive, open, tabulate, and award bids and process bid disputes. For purposes of this rule, the term "bid(s)" includes all Invitation To Bid (ITB) and Request For Proposals (RFP) and Invitation To Negotiate (ITN). The term "bidder" includes proposers.

I. Soliciting Competitive Bids

Commodities purchased by any school, department, or agency must be acquired at the lowest possible cost, and adequate quality, usually through competitive bidding. Employees of the Miami-Dade County Public Schools system shall be strictly accountable.

In soliciting competitive bids, it is necessary to solicit a minimum of three bids, unless otherwise waived by this Board Rule, Department of Education Administrative Rule, or State Statute.

Commodities or contractual services available only from a single source may be exempted from the competitive solicitation requirements. When a district school board believes that commodities or contractual services are available only from a single source, the district school board shall electronically or otherwise publicly post a description of the commodities or contractual services sought for a period of at least seven business days. The description must include a request that prospective vendors provide information regarding their ability to supply the commodities or contractual services described. If it is determined in writing by the district school board, after reviewing any information received from prospective vendors, that the commodities or contractual services are available only from a single source, the district school board shall provide notice of its intended decision to enter a single source contract in the manner specified in Section 120.57(3), Florida Statutes, and may negotiate on the best terms and conditions with the single source vendor.

When soliciting bids, all reasonable methods should be exhausted in order to insure full and free competition. Special attention should be given to bids where only one known source has previously been identified as able to supply the commodities or service. Prior to bidding, staff should attempt to contact other prospective vendors, who could possibly provide the same commodity or service. Newspaper advertisements, telephone, electronic or other market contacts should be used as means for solicitation. Documentary evidence of the results, in writing, must become part of the Master Bid File for that particular bid. Care should be exercised to insure that bids are solicited sufficiently in advance of the opening of bid time, to allow bidders adequate opportunity to prepare and submit their bids.

II. Notification to Prospective Bidders

When invitations to bid are prepared by the Board, they should be disseminated to known prospective bidders and in response to subsequent requests.

III. Maintenance of Potential Bidders List

Procurement Management Services shall maintain a list of responsible bidders to whom invitations to bid are routinely sent.

The list shall be divided into various commodity classes. Any bidder desiring to be placed on the bid list should submit a request to Procurement Management Services advising of those commodities in which the bidder regularly deals and which the bidder desires to sell to the Board. This list shall be continually reviewed and kept up to date.

IV. Protest of Specifications

Any notice of protest of the specifications contained in an Invitation To Bid shall be filed in writing with the Clerk of The School Board of Miami-Dade County, Florida, who shall maintain offices in the School Board Administration Building.

With respect to a protest of the specifications contained in an Invitation To Bid (ITB) or in a Request For Proposals (RFP), the Notice of Protest shall be filed in writing within 72 hours after the posting of a solicitation. The Formal Written Protest shall be filed within 10 days after the date the notice of protest is filed. Failure to file a Notice of Protest or failure to file a Formal Written Protest shall constitute a waiver of proceedings under this rule. The Formal Written Protest shall state with particularity the facts and law upon which the protest is based. Saturdays, Sundays, and legal holidays shall be excluded in the computation of the 72-hour time period provided by this paragraph.

V. Posting the Bond

The protesting party shall be required to post a bond in a form consistent with F.A.C. Rule 28-110.005(2). A notice of decision or intended decision shall contain this statement: "Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceeding under Chapter 120, Florida States."

- i. **Bond: Commodities (Other than Lease of Space) and Contractual Services (Including Professional Services and Insurance)** – Pursuant to Fla. Stat. § 287.042(2)(c), any person who files an action protesting a decision or intended decision pertaining to a solicitation or contract award shall post with the Board, at the time of filing the formal written protest, a bond secured by an acceptable surety company in Florida, payable to The School Board of Miami-Dade County, Florida, in an amount equal to one percent (1%) of the District's estimate of the dollar value of the proposed

contract.

- A. The District shall provide the estimated contract amount to the protestor within seventy-two (72) hours (excluding Saturdays, Sundays, and holidays when the District administrative office is closed) after the filing of the Notice of Protest. The estimated contract amount is not subject to protest under this Rule or Fla. Stat. § 120.57(3). In lieu of a bond, the Board may accept a cashier's check or money order in the amount of the bond.
 - B. The bond shall be conditioned upon the payment of all costs and charges which may be levied against the protestor in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding.
 - C. Pursuant to Fla. Stat. § 287.042(2)(c), if, the Board prevails in the administrative hearing process and any appellate court proceedings, it shall be entitled to recover all costs and charges which are included in the final order or judgment, excluding attorneys' fees. Upon payment of such costs and charges by the person protesting the decision or intended decision or contract award, the bond, cashier's check or money order shall be returned to the protestor. If the protestor prevails, the protestor may recover from the Board the costs and charges which are included in the final order or judgment, excluding attorneys' fees.
- ii. **Bond: Competitive Bids for Lease of Space** -- Pursuant to Fla. Stat. § 255.25(3)(c), any person who files an action protesting a decision or intended decision pertaining to a competitive bid for space to be leased by the Board shall post with the Board, at the time of filing the formal written protest, a bond payable to The School Board of Miami-Dade County, Florida, in an amount equal to one percent (1%) of the estimated total rental of the basic lease period or \$5,000, whichever is greater. The bond shall be conditioned upon the payment of all costs which may be levied against him or her in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If the Board prevails in the administrative hearing process and any appellate court proceedings, it shall recover all costs and charges which are included in the final order or

judgment, excluding attorneys' fees. Upon payment of such costs and charges by the person protesting the award, the bond shall be returned to him or her. If the person protesting the award prevails, the bond shall be returned to that person and he or she shall recover from the Board the costs and charges which are included in the final order or judgment, excluding attorneys' fees.

- iii. **Bond: Construction Purchasing** – Construction purchasing is separately governed by Board Rule 6Gx13-7D-1.01, and persons protesting competitive procurement related to educational facilities shall be required to post a bond in the amount specified in Fla. Stat. § 255.0516, which also governs recovery of fees and costs including attorneys' fees.
- iv. **Staying the Procurement Process** – Upon timely receipt of the formal written protest petition, and posting of the bond, the solicitation or contract award process shall be stayed until the protest is resolved by final agency action, unless the School Board sets forth, in writing, particular facts and circumstances which require the continuance of the solicitation or contract award process in order to avoid an immediate and serious danger to the public health, safety, and welfare.

The Formal Written Protest will be reviewed by Procurement Management Services who will offer the protesting bidder the opportunity to meet and discuss the merits of the protest. If the protest is not resolved, the matter may be referred for proceedings pursuant to Section 120.569 and 120.57, Florida Statutes. Petitions for hearing on protests pursuant to Section 120.569 and 120.57, F.S., must be filed according to School Board Rule 6Gx13-8C-1.064, Adjudicatory Proceedings.

VI. Receiving and Opening of Bids

The Superintendent of Schools, or an administrator designated by the Superintendent, shall designate the time and place for receiving and opening of bids.

- A. Bids are to be submitted to Procurement Management Services or electronically up to the time and on the date specified in the bid documents. Bids received after the date and hour specified in the Bidder Qualification Form will not be considered.

- B. The following persons shall participate in the bid opening function:
1. The District Director, Procurement Management, or an administrator designated by the District Director shall serve as chairperson.
 2. A person designated by the District Director, Procurement Management, to record the minutes of the bid opening, and such minutes shall be reported to the Board at the next regularly scheduled Board meeting.
 3. The Executive Director, Project and Contract Management, or an administrator designated by the Executive Director.
 4. Those additional administrators and support staff required for the efficient handling of this procedure.
- C. All construction bids shall be opened and tabulated prior to bids being released by the recording secretary.
- D. All purchasing bids will be recorded at the time they are received, showing the bid number, bid title, and the names of the bidders submitting bid forms. The record shall be made prior to the release of the bid material by the recording secretary.

The above guidelines for receiving bids do not apply to the awarding of bids at Board meetings.

VII. The Recording or Tabulation of Purchasing Bids

The names of bidders, the prices submitted, and such other pertinent data, will be electronically available or entered on a tabulation sheet by Procurement Management Services. This information shall be available as set forth in Fla. Stat. § 119.07.

VIII. Rejection of Bids

The right to reject any and all bids is reserved by the Board and such reservation shall be indicated in all advertising and invitations. When bids are rejected and the project or requirement is not abandoned, new bids may be issued. Bids which contain any alterations or erasures may be rejected. Bids will be rejected for

good and sufficient cause, such as faulty specifications, excessive cost, abandonment of the requirements, insufficient funds, or other irregularities. Bids may be rejected for failure by the bidder to comply with any requirement stated in the bid document, the bid proposal form or any attachments which become part of the bid.

IX. Irregular or Deviating Bids

In the event that Procurement Management Services wishes to make a recommendation of an award of a bid to a bidder who has deviated from specifications, or in which there is any irregularity, the report recommending such an award should contain in detail: the manner in which the bid deviates from the specifications or is irregular, the reasons for the recommendation of the award, and approval by the Board Attorney.

X. Award Recommendation

Notice of Intended Action will be posted on the District's website for Procurement bids no later than the Friday preceding the week when the award is scheduled to be made by the School Board or Superintendent.

XI. Protest of Bid Award

Any letters of protest of an intended award may be filed in writing with the Clerk of The School Board of Miami-Dade County, Florida, who shall maintain offices in the School Board Administration Building.

Any person who is adversely affected by the agency decision or intended decision, shall file with the agency a Notice of Protest in writing within 72 hours after the posting of the bid tabulation or after receipt of the notice of the agency decision or intended decision and shall file a Formal Written Protest within ten (10) days after filing the Notice of Protest. The protesting vendor shall also be required to post a bond, consistent with Section V of this rule. Failure to file a Notice of Protest or failure to file a Formal Written Protest shall constitute a waiver of proceedings under Chapter 120.57, Florida Statute. The formal written protest shall state with particularity the facts and law upon which the protest is based. Saturdays, Sundays, and legal holidays shall be excluded in the computation of the 72-hour time periods provided by this paragraph.

The Formal Written Protest will be reviewed by Procurement Management Services, who will offer the protesting bidder the opportunity to meet and discuss the merits of the protest. If the protest is not resolved, the matter may be referred for proceedings, pursuant to Section 120.569 and 120.57, Florida Statutes. Petitions for hearing on protests pursuant to Section 120.569 and 120.57, F.S., must be filed in accordance with School Board Rule 6Gx13-8C-1.064, Adjudicatory Proceedings.

XII. Official Award Date

Awards become official when made, unless otherwise specified in the award recommendation.

XIII. Contract Renewals

The School Board shall have the authority to award bids and reject any or all bids. The Superintendent shall have the authority to exercise, in subsequent years, any renewal options included in a bid solicitation, provided terms and conditions are favorable for the School District and subject to the availability of funds.

XIV. Legal Basis for Procedures

The procedures for the purchase of commodities and services, and construction of facilities for Miami-Dade County Public Schools shall comply with the Florida Statutes and the State Board of Education Rules.

COMPETITIVE BIDDING REQUIREMENTS

I. Definitions

- a. The term “competitive solicitation” includes purchasing made through the issuance of an Invitation To Bid, Request For Proposals and Invitation To Negotiate. Competitive solicitations are not required for purchases made through the pool purchase provisions of Section 1006.27, Florida Statutes.
- b. “Invitation To Bid” is a written solicitation for competitive sealed bids. The Invitation To Bid is used when the district school board is capable of specifically defining the scope of work for which a contractual service is required or when the district school board is capable of establishing precise specifications defining the actual commodity or group of commodities required.

- c. "Invitation To Negotiate" is a written solicitation for competitive sealed replies to select one or more vendors with which to negotiate for the procurement of commodities or contractual services. The Invitation To Negotiate is used when the district school board determines that negotiations may be necessary for it to receive the best value.
- d. "Request For Proposals" shall be defined for the purposes of this rule as a written solicitation for competitive sealed proposals. The Request For Proposals is used when it is not practicable for the district school board to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the district school board is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document.
- e. The term "proposer" includes those vendors submitting bids or responses to a competitive solicitation.
- f. The term "Superintendent" means "Superintendent or designee".

The major consideration given to bid evaluations is lowest price meeting specifications.

When the determination is made that a bid is appropriate, the performance specifications and standards requirements shall be spelled out in detail and shall be furnished to Procurement Management. After review, Procurement Management shall issue the Invitation For Bids, including all general and special conditions, and evaluate the bids submitted. The requirements for solicitation and review of bids by the Procurement Contract Review Committee (PCRC) shall be followed in all cases. Board approval is required for contracts recommended for award.

For each purchase of more than \$50,000, bids shall be requested from three or more sources. Notices of bids shall be electronically posted or may be sent to all vendors on the active vendor mailing list for that category of goods or services. This list shall include all minority/women vendors identified with the School Board for that particular category of goods or services, as well as organizations involved in assisting M/WBE firms, by posting and disseminating information regarding available contracts. Notices of bids shall be advertised in one or more major, local newspapers or electronically posted at least seven days prior to the bid opening date. This shall include, as necessary, major newspapers having circulation representative of the various relevant minority classifications or electronic posting. Tabulations of current bids shall be retained in bid files

and shall be available for reference. Standard bid forms used shall be as approved by the Superintendent of Schools and the Board Attorney.

II. Written, Telephone, or Electronic Quotations

For each purchase of \$50,000 or less and over the minimum quotation threshold established by Procurement Management, staff shall obtain written, telephone, or electronic quotations from three or more sources. If possible, vendors contacted shall be rotated and shall include M/WBE vendor participation. If only one of those sources respond with prices, two additional sources, if available, may be contacted for pricing, including, if possible, an M/WBE vendor. If no additional prices are obtained from those sources, the award shall be made to the lowest and best price quotation. If all three of the vendors first contacted for prices respond with valid price quotations, the award shall be made to the lowest price quotation meeting specifications, with no additional requests from other vendors required.

Quotations obtained shall be attached to the purchase order by written notations or electronic reference indicating prices and sources thereof, and certification of same by signature, electronic signature, or facsimile. The requisition shall be approved for purchase as authorized by the Superintendent of Schools.

III. Schools making internal fund purchases will adhere to policies as outlined in School Board Rule 6Gx13- 3D-1.021, Internal Fund/School Activities - Specific Procedures.

Specific Authority: 1001.41(1)(2); 1001.42(26); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: 119.07; 120.569; 120.57; 120.57(3); 255.0516; 255.25(3)(c); 282.041(15); 287.017; 287.042(2)(c); 287.056; 1001.42(12)(j); 1006.27; 1010.04(4)(a), F.S.; 6A-1.012; 6A-1.091; 6A-7.0411(2)(i); 28-110.005(2) FAC

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