

Office of Superintendent of Schools
Board Meeting of October 20, 1999

October 15, 1999

Deputy Superintendent of Schools
Henry C. Fraind

SUBJECT: REQUEST SCHOOL BOARD INTERVENE IN LAWSUIT -- THE DADE COUNTY SCHOOL ADMINISTRATORS' ASSOCIATION (DCSAA) V. STATE OF FLORIDA PUBLIC EMPLOYEES RELATIONS COMMISSION (PERC) -- CASE NO. 90-2204

The Dade County School Administrators' Association on June 4, 1999 filed a complaint for declaratory judgement in Leon County requesting that provisions of Florida Statutes, Chapter 447, which preclude principals and assistant principals from engaging in collective bargaining, be declared unconstitutional.

In August 1993, a hearing was held before a circuit judge in Leon County, Florida regarding the complaint. Prior to issuing a final order, the judge allowed the parties to continue the hearing. In June 1999, DCSAA filed a Notice of Hearing requesting that the case be considered by the judge. A hearing was held before a new circuit judge in Leon County in August 1999. The judge has set a bench trial for the first two weeks in December 1999. Since principals and assistant principals are essential to the operations of the school system, it is recommended that the School Board authorize the Superintendent to instruct the Chief Officer of Legislative and Labor Relations to file a Motion to Intervene in the lawsuit to assist the State Attorney General in his representation of the State and the School Board's interest in upholding the constitutionality of the statutes which exclude principals and assistant principals from collective bargaining.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to instruct the Chief Officer for Legislative and Labor Relations to file a Motion to Intervene in the lawsuit styled DCSAA v. State of Florida PERC -- Case No. 90-2204 in Leon County, Florida.

HCF:jmg

**REPLACEMENT
H-11
(formerly B-2)**