

Ms. Perla Tabares Hantman, Member

SUBJECT: THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA DIRECT THE SUPERINTENDENT TO REVIEW THE LEGAL ISSUES INVOLVED TO DETERMINE WHETHER IT IS NECESSARY AND FEASIBLE FOR THE DISTRICT TO MODIFY OR SUPPLEMENT PACES

COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL RELATIONS.

On June 22, 2005, we received a revised report from The Office of the Inspector General of Miami-Dade County Public Schools (OIG Case 04-5/#017) pertaining to the District's instructional assessment instrument named Professional Assessment and Comprehensive Evaluation System (PACES).

PACES was approved by the Florida Department of Education on September 24, 2001 and is incorporated in the contract with United Teachers of Dade.

Florida law requires annual assessment of instructional personnel and sets forth various criteria that must be considered.

PACES is the instrument used by MDCPS and is generally believed to be an adequate, if not superior, system to accomplish the objective. However, it has been successfully challenged in administrative hearings for lacking some of the criteria required in the State of Florida. Furthermore, the District did not protect itself through copyrighting PACES and the consultant who oversaw the development in conjunction with MDCPS personnel did file copyright applications which may give the consultant some rights superior to the District's.

The District's main responsibility is to provide quality education to the children of Miami-Dade County. Our efforts to provide quality education to our students may be hampered if our instructional assessment instrument has been challenged in courts of law and found weak and inadequate.

It would seem that MDCPS must evaluate its position as to how best to comply with Florida's requirements for assessment of instructional personnel.

The alternatives seem to be to either "Perfect" the District's rights to the PACES system and revise PACES to comply with Florida law, or in the alternative, to find and adopt a replacement system.

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**ACTION PROPOSED BY
MS. PERLA TABARES HANTMAN:**

That The School Board of Miami-Dade County, Florida, direct and authorize the Superintendent to:

1. Retain intellectual property counsel to review, evaluate and report upon the legal status of MDCPS:
 - a. as to MDCPS' right to modify and use PACES, and
 - b. as to MDCPS' right to market and license the PACES system.
2. Determine the desirability and feasibility of modifying PACES to achieve compliance with Florida law as opposed to acquiring a replacement system.
3. Report to the Board at its October 19, 2005 meeting.