

Office of Superintendent of Schools
Board Meeting of March 15, 2006

March 7, 2006

Office of School Board Attorney
JulieAnn Rico Allison, Board Attorney

**SUBJECT: STATUS REPORT FOR THE SCHOOL BOARD ATTORNEY'S
OFFICE**

COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENT RELATIONS

The Board Attorney will present to the School Board a quarterly legal status report, attached.

RECOMMEND: That The School Board of Miami-Dade County, Florida accept the attached report.

G-3



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Rudolph F. Crew, Ed.D.

School Board Attorney
JulieAnn Rico Allison, Esq.

Miami-Dade County School Board
Agustin J. Barrera, Chair
Perla Tabares Hantman, Vice Chair
Frank J. Bolaños
Evelyn Langlieb Greer
Dr. Robert B. Ingram
Dr. Martin Karp
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

TO: Chair and Members of The School Board of Miami-Dade County, Florida
Dr. Rudy Crew, Superintendent of Schools
Cabinet Members

FROM: JulieAnn Rico Allison, School Board Attorney

DATE: March 7, 2006

SUBJECT: Quarterly Case/Matter Status Update

As indicated in January, we will be providing quarterly reports to keep you updated on the cases and/or matters being handled by this office. We have attached the Case Log (Attachment 1) for your review.

THE CASE LOG CONTAINS CONFIDENTIAL ATTORNEY CLIENT WORK PRODUCT. PLEASE DO NOT DISTRIBUTE OR DISCLOSE.

Additionally, this memo will serve to update you on the School Board Attorney's Office activities and will provide you with a list of identified initiatives and their status.

Office Reorganization

The Board approved our organizational chart at the November 16, 2005 Board Meeting (see Attachment 2). There are spots for 13 attorneys and 12 support staff. We currently have eight attorneys and four support staff on board and have advertised for all of the other positions. Interviews were held for the Senior Real Estate Attorney and a candidate will be brought forward for Board approval on March 15, 2006. We have also interviewed for the Budget Specialist position and will be making an offer to one of the candidates. The resumes for Senior Litigation Attorney are being reviewed. The Associate Litigation and Associate Administrative/Regulatory Compliance Attorney positions are being re-advertised to obtain a larger pool of applicants. The job descriptions for legal support staff have been revised in order to better define the qualifications for legal secretaries and paralegals. We will be advertising to hire two Paralegals and four Legal Secretaries.

Matters Snapshot

Below is an updated snapshot of the School Board Attorney's matters since January:

Contracts reviewed:	530
Legal Opinions to Board	6
Legal Opinions to Superintendent/Staff	36
Training Provided	7
Rule Revisions	21

Closed Case Disposition

The following is the breakdown of closed cases since January 2006:

Won	7
Lost	0
Settled	18

Agenda Preparation

Our office has taken a proactive approach concerning Agenda preparation for all Board Meetings. Our goal is to review all items for legal sufficiency and provide assistance before Agenda Preparation whenever possible and when not possible, prior to Committee/Board Meetings. Items are assigned to the appropriate pod based on content. This ensures that all items going forward have been reviewed and approved by our office, assistance has been given to the Board, Superintendent, and District staff as needed, and any programmatic issues have been resolved or called to the attention of the appropriate stakeholder. Attached is a sample Attorney Assignment Matrix (Attachment 3) designed for this process.

Committee Board Meetings

We will have an attorney at every Committee Board Meeting to provide guidance, gather issues, and get direction from the Board concerning those issues which may require additional legal guidance.

Rule Making

Our office has created a Rule Development Matrix (see Attachment 4) to aid the Board and staff. This matrix will allow anyone to view which Rules are being modified, what stage the modifications are in, who has reviewed or signed off on the Rule, when the Rule is projected to be finalized if approved, etc.

Contract Initiative

Our goal is to standardize all contracts throughout the District. We will also strive to provide timely review and approval turnaround and we have revised the legal review process in a new

Board Rule and have created a new legal checklist (see Attachment 5) for legal content sufficiency. This will ensure that all District contracts are consistent, legally compliant, and user friendly.

Case Management System

We have developed both a case log (Legal Matters Information System) and timekeeping program (HourGlass). The Legal Matters Information System will be installed on all computers and will be used to track all substantive cases and matters that are being handled by this office.

HourGlass will be installed on Attorney and Paralegal computers and will be used to track the time attorneys spend on duties throughout the day. This will give us an overview of the amount of time being dedicated to specific matters or cases, will provide data in order to analyze appropriate staffing requirements, and, where appropriate, will give us documentation if we choose to seek attorney's fees. Examples of these systems are attached (Attachment 6).

Personnel Matters

We have identified the School Board Attorney Office's role when employment actions are required. We are currently working with the Superintendent's staff, Risk Management, Labor Relations, Office of Professional Standards, Human Resources, School Police, Civil Rights Compliance, and ADA Compliance to ensure that the District is legally compliant in all aspects of personnel matters. Our Personnel Pod has also held four training classes, two for Civil Rights Compliance investigators, one for ADA Committee members, and one for Human Resources employees.

Construction Related Matters

Our Business Operations attorneys are closely aligned with the District's professional staff and outside counsel, which allows to them to offer oversight and strategical guidance on case handling and resolution. Cases and matters they offer assistance with include water intrusion, construction defects, cost overruns, bid protests, contract disputes, and more. They also review multiple contracts and offer suggestions for change as needed. A comprehensive review and analysis of all construction litigation and water intrusions cases has been completed. Case strategy has been reviewed with all outside counsel. An Attorney Client Session with the Board is being scheduled in the next 45 days.

Risk Management/Tort Cases

We have reviewed the Risk Management case list and are in the process of preparing a cost benefit analysis to identify threshold criteria for in-house handling of tort cases. Once this analysis is complete, we will be able to clearly show the cost of handling the cases in house and the cost savings this will generate for the District. We expect to have all the data compiled by May and will provide an update at that time.

Academic Matters

We have identified the role of the Attorney's Office in the compliance of IDEIA and other regulatory requirements. We have met and established guidelines with many of the District's ESE staff and are working on revamping the handling of student issues at all levels.

Weekly meetings are held each Friday with District staff in order to review cases and legal issues.

We have made substantive modifications to the charter schools contract and continue to provide legal support with various compliance issues. A presentation will be made to the Audit Committee at its request on March 14, 2006.

We have offered training on multiple issues (ESE, 504, IDEIA, etc.) and will schedule as appropriate and requested. A comprehensive training scheduled for Speech Pathologists is scheduled for mid-May. Topics will include ethics, professionalism and/or any cases of special note.

General District Support

There is a new heightened sensitivity to the needs of District staff. We realize that many of the issues we are asked to handle are sensitive, critical, and require an expedited response. We have established guidelines for our staff requesting a response to within 24 hours to District questions even if it is just a follow up phone call to say the issue is being researched. (See Attachment 7, Legal Office Practice.) Meetings were conducted with the following departments: School Police, Professional Development, School Facilities Construction, Financial Operations, Intergovernmental Affairs, Grants, Administrative and Community Services, Office of School Facilities, Curriculum, Instruction, and School Improvement, Business Operations, Chief of Staff, Human Resources, and Management and Compliance Audit. The meetings were held in order to identify the needs for legal support and assistance and to develop the legal initiatives.

Legally Speaking

In an effort to assist with educating the District on legal issues, our office is providing a quarterly newsletter entitled "*Legally Speaking*" (see Attachment 8). The articles in the newsletter are written by the School Board Attorneys and cover a wide variety of topics including access to student records, IEP issues, constitutional issues (pledge to the flag, religious slogans/symbols, etc.), the Jessica Lunsford Act, and other timely matters. Feedback from the District to date has been very positive. We will publish the next issue in June.

Interagency Cooperation and Alliances

We are developing alliances with many outside agencies such as the City of North Miami, Miami-Dade County, the State of Florida, etc. We currently have three Interlocals pending and an inter-agency agreement underway. A County Compact is being drafted with the County

offering cooperation and assistance in developing implementation instruments (see Attachment 9, Letter to County Attorney).

Initiatives

We have developed several initiatives for our office (see Attachment 10) and have grouped them by the appropriate pod. The initiatives are in various stages of completion and are driven by the needs and requests of the Board and District. As current tasks are completed and/or implemented, new ones will be added. These initiatives are evaluated every six months and are an integral part of each attorney's performance evaluations.

Kudos to Staff Attorneys

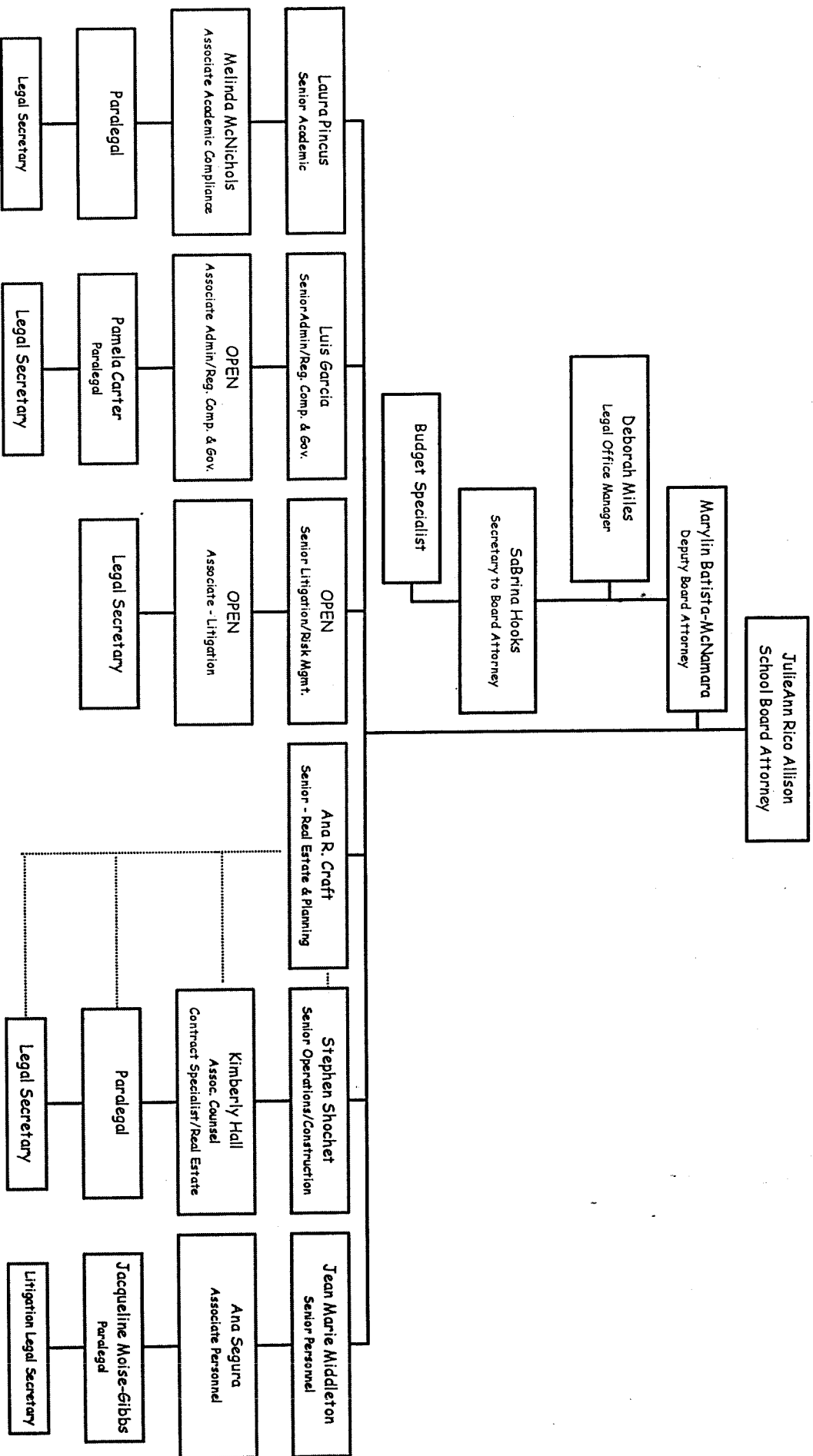
The School Board Attorney's Office has a spectacular team of professionals. Jean Marie Middleton, Senior Personnel Attorney, was a recent Judicial Nominee, Laura Pincus, Senior Academic Attorney, was appointed to a statewide IEP task committee in Tallahassee, and Marylin Batista-McNamara is the Vice Chair for the Florida Bar's Education Law Committee and also serves as the editor-in-chief for the Education Law Journal.

As our office continues to grow and as we continue to review substantive issues throughout the District, we will work on updating systems, offer training as needed, standardize leases, contracts, agreements, settlements, etc., and assist with making the MDCPS proactive rather than reactive to the challenges we face. Miami-Dade Public Schools are growing and changing daily and we want to be there to assist every step of the way. If you have suggestions, questions, or concerns, please do not hesitate to call me. Thanks for believing in our team!

JRA:d1m

The Case Log has intentionally been omitted from all packets except for Board Members and the Superintendent. The Case Log is an Attorney Client Work Document and is not to be distributed or disclosed.

CORRECTED
PROPOSED LEGAL SERVICES ORGANIZATIONAL CHART
SCHOOL BOARD ATTORNEY'S OFFICE – November, 2005



BOARD MEETING ASSIGNMENTS

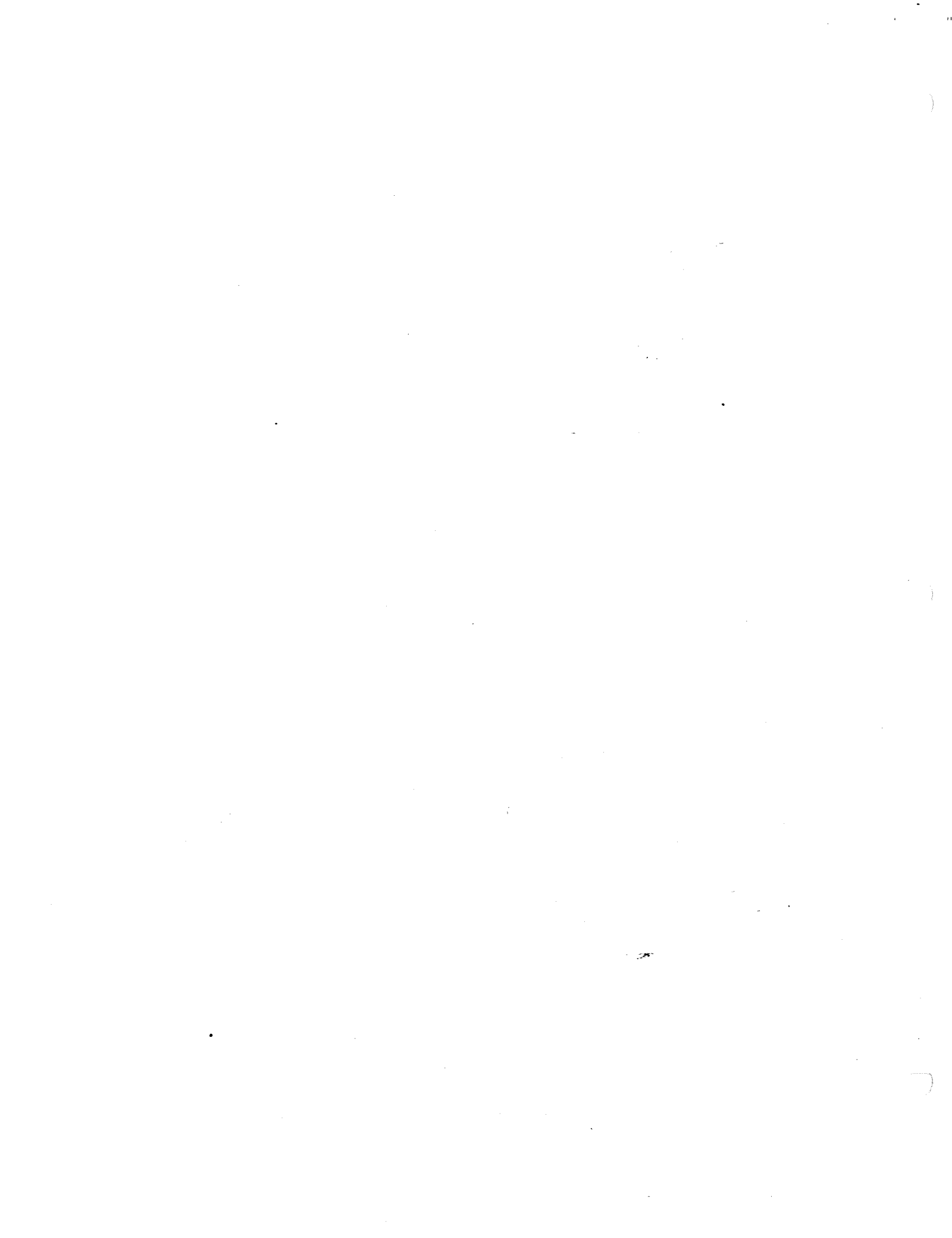
	ATTY/ STAFF REVIEW ISSUES	SUBJECT BOARD MEETING	JIRA ISSUES BOARD MEETING/	JIRA ISSUES POST-BOARD MEETING
1.				
2.				
3.				
4.				

BOARD RULES MATRIX

RULE	ORIGINATOR SOURCE REQUESTING REVISION OR FORMULATING EXISTING RULE OR NEW RULE	APPROVAL FROM ADMIN	DRAFT SUBMITTED TO LEGAL (DATE)	LEGAL REVISION & FOLLOWUP	LEGAL REVISION COMPLETED	ADMIN REVIEWS LEGAL'S CHANGES	(1) LEGAL SIGNS OFF FOR LEGAL SUFFICIENCY (2) CLERK PUBLISHES NOTICE OF INTENDED ACTION	INITIAL READING PRESENTED TO SCHOOL BOARD	POST- INITIAL READING REVISIONS	RULE PRESENTED FOR FINAL READING/ ADMIN HEARING
Approval by School Board Attorney (Contract Approval Accountability Process)	Hantman	Yes		Yes	Yes	Yes		3/15/2006		4/18/06
Contracts Code -- Ethics Advisory Committee ("EAC")	EAC		Pending					3/15/2006		
Travel Expenses	E-200 Pou							10/19/2005		12/14/2005
Manual of Procedures	D-46							3/15/2006		
Management of Internal Funds/Activities								1/18/2006		
Student Attendance	B-16							10/19/2005		12/14/2005
Promotion, Placement Grades K-12	C-100 Dunbar							1/18/2006		
Student Attendance								3/15/2006		
K-8 Centers	E-202 Hantman							12/14/2005		2/15/06
Charter Schools	B-12 Logan							10/19/2005		
Section 504 Procedures for Students with Disabilities	C-101 Bruce Ball							2/15/2006		4/18/2006
Student E-mail	Karcher									
School Board Committee Structure	G-3 Hantman							1/18/2006		3/15/06
Citizens Appearances, Board Meetings	G-8 Barrera							3/15/2006		
Regular Board Meetings: Time and Order	G-9 Barrera							3/15/2006		

BOARD RULES MATRIX

RULE	ORIGINATOR SOURCE REQUESTING REVISION OR FORMULATING EXISTING RULE OR NEW RULE	APPROVAL FROM ADMIN.	DRAFT SUBMITTED TO LEGAL (DATE)	LEGAL REVIEW & FOLLOWUP	LEGAL REVISION COMPLETED	ADMIN. REVIEWS LEGAL'S CHANGES	(1) LEGAL SIGNS OFF FOR LEGAL SUFFICIENCY (2) CLERK PUBLISHES NOTICE OF INTENDED ACTION	INITIAL READING PRESENTED TO SCHOOL BOARD	POST- INITIAL READING REVISIONS	RULE PRESENTED FOR FINAL READING/ ADMIN. HEARING
Board Meetings; Rules of Order - Parliamentarian	8C-1.12 Barrera							11/16/2005		1/18/06
Office of Inspector General	8A-1.07 G-3							12/15/2005		
Campaign Finance - Reform	8A-1.041 B-3	N/A	Pending					12/14/2005		2/15/06
Role and Authority of WLRN	8C-1.011 C-100 Garcia							12/14/2005		2/15/2006
Schools Calendar	6A-1.02- 1.02B; 6C- 1.02-1.02B; 6A-1.023- 1.023B; 6A- 1.024- 1.024B							12/14/2005		



Name of Contract: _____

_____ Board Item

_____ Board Meeting

CONTRACT REVIEW CHECKLIST**Consistency with Law and School Board Rules:**

Comments

Consistent with School Board Rules	
Consistent with Florida, Federal, and Local Laws	

Contract Terms:

Comments

Term (Duration of Contract)	
Termination Clause	
Insurance/Liability Issues/ Indemnification	(Risk Management should review and approve all insurance clauses.)
Regulatory Issues	
Confidentiality Issues	
Warranties	
Labor Issues	(Labor Relations should review any issues.)
Disclaimers	
Governing Law & Venue	

Business Principles:

Comments

Sound Business Principles	
Reasonableness of Fees	
Payment Terms	

Other Issues:

Comments

Non-Negotiable Issues	
Miscellaneous Issues	

Special Considerations: __________
Reviewed By (Attorney's Name)_____
Date

MATERIAL TERMS OF CONTRACT

Name of Contract: _____

_____ Board Item

_____ Board Meeting Date

Please attach this form to all Board items.

This form contains the material contract terms when the Board delegates authority to the Superintendent to negotiate and enter into a contract.

Scope of Services:

Term (beginning and ending dates of service):

Maximum Monetary Value or Expenditures Permitted (Not to exceed amount.):

Terms involving options to renew or extend contract for additional periods:

Material Terms of the contract (Add additional sheets as necessary.):

Contract contingent upon grant award? Yes ___ No ___

Legal Matters Information System



Exit Program

Your Last Name

Monitor Your Matters - Detail

Your matters (where you are listed as the PRIMARY inhouse counsel) appear one at a time, in detail. The left - right arrows at bottom of the screen move from matter to matter.

Your Last Name

Monitor Your Matters - SUMMARY

Use this to view a summary of several matters on one screen. Sorted by File # from high to low. This shows the matters with you as the PRIMARY inhouse counsel.

SELECT FROM LIST
Inside Counsel Individual Report

Click this button AFTER selecting your name from the list, to print a detailed REPORT of matters with you as primary inhouse counsel. Print in LANDSCAPE mode.

File #

Find Matter by File #

Litigant/Matter:

Find Matter by Title

Input new cases or other matters

ENTER NEW MATTER

All matters without a "closed" date.
"Not-Closed" Index of Report

All Open Matters AND those that were Closed Since a Given Date.
Comprehensive Report Index of Report

Report of Matters Assigned to an Individual Outside Counsel

SELECT FROM LIST: OUTSIDE Counsel Individual Report

CLOSED Report Since Given Date
When report appears, it may be printed with "Print" in "File" menu. Set printer to "LANDSCAPE" mode.

Add new inhouse counsel (or deactivate those no longer active here).
Update Inhouse Counsel

Closed General Case Archive

View All Closed General Matters (Datasheet)

HourGlass All-Users Report

HourGlass Summary Report

HourGlass Single File# Category Report

Finances

OCR Tracking

Scroll Down to view more options ->

Attorney: Rico Allison
 Task#: (Number)
 Task Date: 3/7/2006
 Category: [Dropdown]
 Task Description: [Text Field]
 Hours (Tenths): [Text Field]
 Hours So Far Today: [Text Field]

Do not modify unless entering data from a previous day.

1. Select from list OR type code.
2. Press "Enter" or "Tab" key OR click mouse to move to next field.
3. Select hours from list OR enter manually. Then press "ENTER" to move to next task.

PROJECT LOG

Input New View/Update/Print

Edit Entries View, Verify, or Edit Today's Entries Refresh

Edit Task # Edit one entry. located by task #

Hours on Given Date Click to see total hours from any given date.

Detailed Report Select a date range to view/print a report

Summary-Only Report Summary report lists only categories and hours

One-File# Report Report of entries under only one File # or Category

Matters Info System

Update Your Matters
 Your matters (where you are listed as the PRIMARY OR SECONDARY inhouse counsel) appear one at a time, in detail. The left - right arrows at bottom of the screen move from matter to matter.

Your Matters Report
 Print a report of matters with you as PRIMARY or SECOND counsel. (Print in LANDSCAPE.)

File # [Dropdown]
 Find Matter by File # [Text Field]
 Title [Dropdown]
 Find Matter by Title [Text Field]

OCR Log

LEGAL DEPARTMENT OFFICE PRACTICES (LEGAL OP # 1)
Effective February 15, 2006

Responding to Documents from the Superintendent's Office

1. 24-Hour Rule:

All items that come to our office from the Superintendent's Office (which includes staff and any member of the Superintendent's Cabinet) should be resolved/addressed whenever possible within 24 hours. All responses should be in a memo format and copied to the School Board Attorney. If the matter cannot be resolved within a 24-hour time frame, the Superintendent's Office should be notified by memo explaining the reason for the delay and an estimated date of completion.

2. Scheduling Conflicts:

Any impediments to fulfilling the 24-hour Rule due to schedule conflict, extended time out of the office for trial, meetings, or other obligations/illnesses, shall be dealt with by calling the matter to the attention of the School Board Attorney for reassignment.

3. Immediate/Critical Emergencies:

In the event that an immediate/critical emergency does not allow for the passage of 24 hours, or in the event of an extended delay by the responsible attorney, the matter in question shall be immediately brought to the attention of the School Board Attorney for reassignment or another immediately available senior counsel.

LEGAL DEPARTMENT OFFICE PRACTICES (LEGAL OP # 2)

Effective February 15, 2006

Communications/Prompt Response

1. 24-Hour Rule:

All telephone inquiries, telephone messages, email messages, letters and memos shall be responded to within 24 hours of receipt. The response should strive to be as comprehensive as possible and responsive to the inquiry as possible. However, in the case where further research, investigation, review, etc. is necessary to provide a comprehensive response, the "24-hour response" shall be limited to an acknowledgement of receipt and handling with a noted time frame for anticipated further more detailed response.

2. Notification to Additional Appropriate Parties:

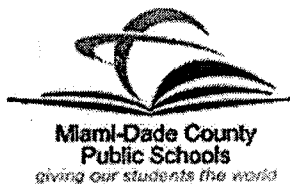
In the event that a telephone inquiry has been requested by another person, department, etc., the requesting party shall be notified simultaneously with the "24-hour response," and thereafter as appropriate. This shall be done by email, memo or, if telephonically, documented in your file or daily log notes.

3. Scheduling Conflicts:

Any impediments to fulfilling the 24-hour Rule due to schedule conflict, extended time out of the office for trial, meetings, or other obligations/illnesses, shall be performed by the attorney's secretary and/or paralegal according to the same procedures.

4. Immediate/Critical Emergencies:

In the event that an immediate/critical emergency does not allow for the passage of 24 hours, or in the event of an extended delay by the responsible attorney, the matter in question shall be immediately brought to the attention of the School Board Attorney for reassignment or another immediately available senior counsel.



Legally Speaking...



The Official Newsletter of the Board Attorney's Office

December 2005

Message from Board Attorney JulieAnn Rico Allison

It is an honor and a privilege to be entrusted with the legal representation of the fourth largest school district in the nation! I am excited about the opportunity to manage the School Board legal services department with professional independence in order to improve and enhance the overall success of the Miami-Dade County School Board's goals of providing educational excellence for all. An enthusiastic and expert legal team is being assembled.

Six Pods or teams of lawyers, paralegals and legal assistants have been organized to deliver legal services in the following areas: Academics;

Business Operations/Construction; Litigation/Risk Management; Real Estate; Personnel; and Policy/Governance. Each of the Pods will be positioned to provide effective, efficient and high quality legal representation for the Board, and to the Superintendent and District staff as it develops and implements the Board's actions. We look forward to working with each of you as we forge a team approach to our shared goal of providing quality education to the students of Miami-Dade.

On behalf of myself and my staff, thank you for a very warm welcome. We wish you Happy Holidays and look forward to a tremendous New Year!

Meet the Legal Team



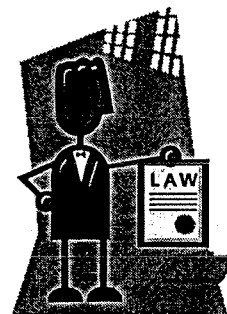
JulieAnn Rico Allison Board Attorney

Ms. Allison has served as Chief Counsel to the Palm Beach County School Board, Corporate counsel to private sector companies, and has been associated with large law

firms in the tri-county area. Her area of expertise is

complex civil litigation and regulatory compliance. Ms. Allison has been the recipient of numerous county and professional awards in addition to having been elected president to the Palm Beach County Bar Association.

J. Scott, her five year old son, is Ms. Allison's number one passion. Together they spend time traveling, riding horses, and creating children's books.



Marylin Batista-McNamara

Deputy Board Attorney



Ms. Batista-McNamara will be joining the School Board Attorney's Office as the Deputy Board Attorney. Prior to joining the Office of the School Board Attorney for the Miami-Dade Public Schools, Ms. Batista-McNamara was the Deputy General Counsel for The School Board of Broward

County, Florida where she worked in the areas of employment law, labor law, civil rights and First Amendment, her expertise also includes public records law and student issues.

Ms. Batista-McNamara's prior experience includes the private practice of law where she represented various school districts in Florida. Ms. Batista-McNamara is rated AV by Martindale-Hubbell. In addition, she has taught litigation skills to other practicing attorneys and is presently the Vice-Chair for the Education Law Committee of the Florida Bar. Her interests include reading and traveling.

Randall Burks Consultant



Dr. Randall Burks concentrates in appellate practice and administrative law, governance, and regulatory compliance, involving extensive legal research and writing. Earlier this year he enjoyed writing a brief in opposition to a petition for

certiorari in the U.S. Supreme Court. He is a member of The Florida Bar's Education Law Committee. Along with his Juris Doctor law degree, he holds an M.Ed. in Educational Leadership and a Ph.D. in educational Administration, Curriculum, and Instruction. He is member of Sigma Delta Pi (Sociedad Nacional Honoraria Hispánica / National Collegiate Hispanic Honor Society) and has traveled in 32 states plus Puerto Rico, Canada, Mexico, Belarus, and Russia.

Dr. Burks also enjoys recreation with his children, composing music and playing the piano, and programming Access database applications.

Luis M. Garcia

Senior Attorney, Administrative/Regulatory Compliance & Governance



Mr. Garcia graduated from the University of Miami School of Law in 1992 and first joined the School Board Attorney's Office in February of 1993 as an Assistant School Board Attorney. In this capacity Mr. Garcia specialized in representing the school district

in emergency injunction hearings and in litigation in State and Federal Court in the area of labor and employment. In 1997, Mr. Garcia was promoted to Senior Assistant School Board Attorney and continued representing the Board in State and Federal Court litigation and in appeals before the Third District Court of Appeals.

Mr. Garcia has also represented the District before the County's Environmental Quality Control Board and in bid protest hearings and rule challenges before the Division of Administrative Hearings.

Kimberly Hall

Associate Attorney, Business Ops/Construction



Kim's practice areas include contracts, real estate and business operations. For the last five years, Kim has gained extensive school law experience as an attorney with the School District of

Palm Beach County. She earned undergraduate and law degrees from the University of Florida. Kim enjoys reading, writing fiction, art and investing.

COMING SOON

Beginning in January, the Legal Department will publish *Legally Speaking...* quarterly. This newsletter will provide you with the legal information YOU need to know. Each quarter, you will receive an update of legal cases, analysis, tips. If there is a topic you would like to see in *Legally Speaking...*, please contact Laura Pincus, Esq. at 305-995-1430.

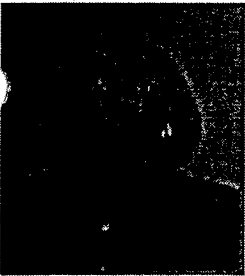
Mindy L. McNichols
**Associate Attorney, Administrative/Regulatory
Compliance & Governance**



Mindy McNichols has a Master's Degree in Education and is a graduate of Duke University School of Law in Durham, North Carolina. She has been with the School Board for the past three years primarily practicing in the areas of ESE, civil rights, employment law. She has 20 years of legal experience, 8 of which were in the political arena as Chief of Staff for Miami-Dade County Commissioner, Katy Sorenson.

When she isn't practicing law, she is running, canoeing and camping around Florida's rivers and springs with her family, reading and playing classical piano.

Jean Marie Middleton
Senior Attorney, Personnel



Ms. Middleton is a graduate of Howard University School of Law in Washington, D.C. She primarily practices in the areas of personnel, labor, employment and workers' compensation law. She has nearly 20 years of legal experience working for governmental and corporate entities and in private practice. She spent the last 3 years as Senior Counsel for the School District of Palm Beach County.

In her spare time, Ms. Middleton enjoys walking, reading, all types of sporting activities, music and collecting timepieces.

Laura E. Pincus
Senior Attorney – Academics



Laura Pincus is excited to join the Board Attorney Office after practicing for 6 years in the area of academics for the School District of Palm Beach County. Laura is a two-time graduate of The American University where she earned a Bachelor's Degree in Communications and a Master's Degree in

education. Upon moving to Florida, Laura attended law school at Nova Southeastern University. In addition to teaching, her experience also includes writing and editing education newsletters for LRP Publications.

In her spare time, Laura enjoys cruising and taking trips to Disney World with her husband and their two children, Joshua (9) and Michael (3).

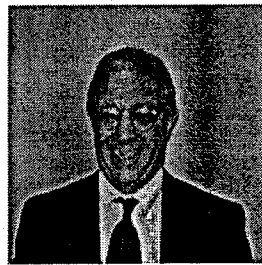
Ana I. Segura
Associate Attorney, Personnel



Prior to moving to Florida, Ms. Segura practiced law in California for 15 years, handling commercial, employment and civil rights litigation matters. She served as a member of the Board of Trustees of the Los Angeles County Bar Association, where she was an active member of the Judicial Appointments Committee. She was also appointed to serve as a Commissioner for the Board of Pension Commissioners for the Firefighters and Police Officers of the City of Los Angeles.

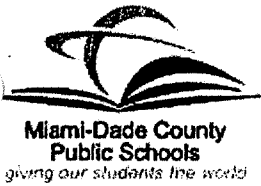
Ms. Segura joined the School Board Attorney's Office in September 1999 and has earned a distinguished record in representing the School Board in federal and appellate courts in matters concerning employment and civil rights laws.

Stephen L. Shochet
Senior Attorney, Business Ops/Construction



Stephen Shochet comes to the Miami-Dade Schools after 3 years with the Palm Beach County School District where he provided legal representation for the construction and purchasing departments as well as handling several business issues. Prior to that, he had his own office, where he concentrated his practice on construction and commercial litigation. Steve is a graduate of the University of Maryland School of Law, where he was on the editorial board of the Law Review.

In his spare time, Steve prides himself on doing as little as possible.



Legally Speaking...



The Official Newsletter of the Board Attorney's Office

February 2006

Student Records: Who Has Access and When

Personally identifiable student information is explicitly confidential under both state and federal law. The definition of "personally identifiable information" includes, *but is not limited to*:

- ✓ Student's Name
- ✓ Name of Parent or Other Family Member
- ✓ Student's Address
- ✓ Social Security Number or Student Number
- ✓ Other Information or Any Personal Characteristics that would make a student's identity easily traceable.

Student information cannot be disclosed to anyone not authorized by law, without the parent's written

consent. Such consent must: (1) be signed and dated; (2) specify the records that may be disclosed; (3) state the purpose of the disclosure; and (4) identify the party or class of parties to whom the disclosure may be made.

When a public school employee, school official, or school board violates Fla. Stat. 1002.22, the student's parent has an immediate right to bring an action in the circuit court to enforce the violated right by injunction. Attorneys' fees and court costs may be awarded.

There are limited exceptions. For example, a DCF child abuse investigator may access student records without parental consent *if* such access is necessary to handle an emergency of health or safety.

Teacher's Absence at IEP Meeting Proves Costly

Failure to include a general education teacher at a kindergarten student's IEP meeting yielded a \$2,400 reimbursement to the parents plus \$88,000 attorneys' fees award for their lawyers who successfully argued that the IEP was invalid. *M.L. v. Federal Way School District*, 394 F.3d 634 (9th Cir. 2005); 401 F. Supp. 2d 1158 (W.D. Wash., 2005). According to the 9th Circuit Court of Appeals, the IEP written for a student with Autism was fatally flawed because a regular education teacher did not participate in the development of the plan.

According to the 9th Circuit Court of Appeals, the school's failure to include a general education teacher created a "critical structural defect" because there was a possibility that the student would have been placed in a general education classroom. The court reasoned that the IEP team's decision may have differed had the general education teacher been involved in the process. The 9th Circuit's ruling prompted the District Court in Washington State to award attorneys' fees to the parents.

See IEP on page 2

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Please share your ideas for future articles. The Board Attorney's Office will publish the *Legally Speaking...* quarterly. If you have a suggestion for a topic, please share it with us by contacting Laura Pincus at:

(305) 995-1304

or

lpincus@dadeschools.net

Reporting Child Abuse

Your employment with Miami-Dade County Public Schools makes you a mandated reporter of child abuse and neglect. State law requires any person who knows or has reason to suspect that a child has been abused, abandoned or neglected must report such knowledge or suspicion to the DCF central abuse hotline. Abuse includes mental emotional abuse. The following Q&A provides additional information on complying with this important statute.

How do I report Child Abuse?

Call the Florida Abuse Hotline at 1-800-962-2873. They will take your report and electronically transmit the information to local law enforcement or transfer you to local law enforcement to also make a report to them.

What information goes into the report?

Your name, the child's name and address (if known), the nature of the abuse and the specifics about the incident being reported. If you think emergency intervention is required, say so!

What if I'm not sure a child is being abused?

It is not necessary for you to prove abuse or neglect. If you have a reasonable suspicion, you must report it.

What if I'm wrong?

Mistakes may happen, but it is better to err on the side of wrongful reporting than to risk further injury to or death of a child.

Will the parents be told that I reported?

State law mandates confidentiality for all reporters of suspected child abuse/neglect. If the case goes to trial, however, you may be requested to testify.

Can the parents sue me?

As a mandated reporter of abuse/neglect, you are immune from civil and criminal liability if a parent sues you.

What if I don't report?

You may be subject to criminal liability and could be found guilty of a first degree misdemeanor. You could also be subject to civil liability from a child who is injured or killed by your failure to report. But more importantly, a child could be injured or killed.

IEP, continued from page 1

To avoid the legal consequences that the Federal Way School District faced, schools **MUST** include the following people in all IEP meetings:

- **Parents** must be invited and the school must make every reasonable attempt to secure their attendance. However, if a parent chooses not to attend the meeting or refuses to respond to the invitation to attend, the meeting may take place in their absence. In such cases, the documentation generated at the meeting should be mailed home to the parent within one week of the meeting.

- **Local Education Agency Representative (LEA)**

- A minimum of one **General Education Teacher of the Student**. It is NOT acceptable for a school administrator to attend as the general education teacher just because the administrator is certified in general education. If the student is in all Special Ed. classes and does not have a general education teacher, a teacher of the same grade must attend. The only exception to this would be students at center schools that do not have any general education.

- A minimum of one **Special Education Teacher of the Student**. The teacher attending must be the student's teacher and not just a certified teacher.

- **Evaluation Specialist** (i.e. psychologist, SLP, OT, PT and/or classroom teacher)

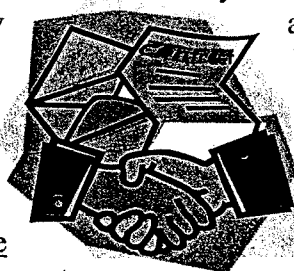
Consider All Issues Before You Sign That Contract

From time to time, school administrators may be delegated the authority to enter into contracts. However, before you enter into a binding agreement, consider the following issues and feel free to contact the Board Attorney's office with any questions.

✓ **Term:** Include a defined term (a beginning and ending date).

✓ **Termination:** Include a clause that allows the school to terminate the contract, without cause, provided thirty (30) days written notice is given to the other party. The clause should also state that, when terminated, the other party is entitled to be paid only for the work actually performed before the termination.

✓ **Governing Law:** Specify that the contract shall be governed by the laws of Florida and for any action brought, venue shall be brought in Miami-Dade County. Do not agree to awarding the party fees in the lawsuit. Each party for its own attorneys' fees.



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✓ **Hold Harmless:** Include a provision requiring the other party to the contract to hold the School/School Board harmless and indemnify the School/School Board with respect to any and all actions, claims etc. (If the other party requires the school to indemnify them, the matter should be referred to the Board Attorney's office.)

✓ **Modification:** Ensure that any modifications must be in writing and signed by both parties.

✓ **Fingerprinting:** Does the Jessica Lunsford Act apply? (JLA requires individuals under contract with schools or the School Board to be fingerprinted if they will be permitted access to the school premises when students are present, will have direct contact with students or will control school funds. For additional information on JLA, see article on page 4.)

✓ **School Board Rules:** Is the contract in accordance with School Board rules?

✓ **Sound Business Principles:** Is the contract based on sound business principles?

School District Must Defend Student-On-Student Harassment

A New York School District was unsuccessful in getting a court to summarily dismiss a mother's claim that her child was deprived of an education when he could no longer attend school due to severe and pervasive peer abuse. *K.M. v. Hyde Park Central School District*, 381 F. Supp. 2d 343 (S.D.N.Y. 2005).

K.M. sued the Hyde Park Central School District, alleging that her 13-year-old son, D.G., was subjected to disability-based peer-to-peer harassment and that the school failed to intervene. D.G. was a special education student, having been diagnosed with pervasive developmental disorder and dyslexia. For more than one school year, D.G.'s peers repeatedly called him stupid, idiot, retard, and other disability-related insults while in school and on the bus. He was also the victim of physical aggression, including a day when he was thrown to the ground, body slammed and taunted by several students during lunch and another time when he was physically beaten, held down and hit on the head and back with his binder in a special education resource room.

D.G. or K.M. promptly reported each incident to school officials, but they allege that no action was taken to protect the student from further harassment. K.M. attempted to contact the Head of Transportation and the Superintendent of Schools, but her calls allegedly went unanswered. She did, however, contact the school psychologist to report the hostile environment and incidents of physical and emotional abuse. In response, the school psychologist allegedly advised that D.G. should handle these incidents by himself. In her report, the psychologist stated that D.G. "does not enjoy school and has had difficulties with his peers." Physical abuse was documented by the school nurse. Finally, K.M. withdrew her son from school and filed the discrimination suit against the School District.

The District attempted to have the lawsuit dismissed via a Motion for Summary Judgment, which is reserved for cases where there is no genuine issue of material fact such that the party is entitled to judgment as a matter of law. The District defended itself, in part, by saying that it was unaware that the harassment occurred. However, the court ruled that "that denial may well be found incredible, given the totality of the record." The court noted that the student's good grades would not relieve the defendants of their obligation to investigate and remedy the allegations of intense abuse D.G. was reporting.

Jessica Lunsford Act: An Analysis of Who, What and Why

Many questions are raised regarding the new fingerprinting requirements for people who have contracts with school districts. The following Q&A provides a basic overview of the Jessica Lunsford Act (JLA).

Q. Why the JLA?

A. This is the legislature's attempt to protect school children from sexual predators by controlling access to our schools.

Q. Who pays for the screening?

A. The JLA is silent on that question. As a result, it is a matter of negotiation between the school or the District and the affected persons.

Q. Exactly who is and who is not covered by the JLA?

A. The Act itself calls for Level 2 screening of persons (through the Florida Department of Law Enforcement and the FBI) who contract, either directly or indirectly, with the School District or any of the schools. It does not apply to people who do not have a contract. This District extends the requirement to all volunteers.



Q. Why do we insist on the clearance being done through our police?

A. Even if a person receives initial clearance, the two law enforcement agencies will furnish updates on the individual in the event that something happens later. Unfortunately, at the present time, those updates are furnished only to the school district that submitted the name originally. Due to this limitation, clearance must be done through our police.

Q. What kind of access triggers the JLA?

A. Those who have direct contact with students, anywhere, or those who are on school grounds when students are present, whether there is actual direct contact with the students or not. The JLA requirements also apply to those persons who handle school funds.

Q. Are delivery people subject to the JLA?

A. If we do not have a contract with them, those who make deliveries are not subject to prior clearance, but they should be monitored while on school grounds. Those who come to school to pick up items for delivery to others usually have contracted with the District and are required to be cleared.

Training Available

The Board Attorney's Office offers training for administrators, faculty and staff on a variety of subjects. Topics include, but are not limited to:

- ✚ ESE and 504 Eligibility and Compliance
- ✚ Student Discipline
- ✚ ADA
- ✚ Title VII
- ✚ Child Abuse
- ✚ Copyright Basics
- ✚ New Teacher Orientation
- ✚ Negligent Supervision
- ✚ Avoiding Legal Pitfalls in a School Setting

Copyright Basics for Administrators

Copyright Defined

“An intangible, incorporeal right granted by statute to the author or certain literary or artistic productions, whereby he is invested, for a limited period, with the sole and exclusive privilege of multiplying copies of the same and publishing and selling them.” *Blacks Law Dictionary*

The initial presumption is that copyrighted materials may not be reproduced without prior written permission from the copyright owner unless an exception exists. There are two common exceptions: Public Domain and Education Fair Use.

Prohibited Reprinting

The following is a list of materials instructional staff may NOT make multiple copies of:

- A work of classroom instruction that another employee at the same school has already copied and used in his or her class.
- A short poem, article, story or essay from the same author more than 1 time per semester.
- Excerpts from the same collection of works or periodical more than 3 times per semester.

Other Examples

Material transmitted through broadcast media or videotape would also come under educational fair use. Off air recording of programs aired over instructional television is allowed. The copyright symbol or statement must appear on the copy. The

copy must be erased within 10 calendar days from the date it is recorded.

Videotapes may be rented or purchased from video stores and used for instructional purposes for purposes of criticism, comment, news reporting, teaching, scholarship or research. Absolutely no charge can be required for the student viewing of these videotapes.

Computer Software

Computer software should ONLY be reproduced, adapted, modified or transferred to another licensee under the following circumstances:

The new copy or adaptation is created as an essential step in the authorization of the computer program in conjunction with the machine and will not be used in any other manner.

The written copyright license that came with the software or other written permission from the publisher provides for such copy or adaptation. School owned software MUST NOT be taken home or elsewhere and installed on an instructional staff's personal computer unless you have received written permission from the school's technology department.

Optical Scanners or MIDI devices should not be used such that they infringe upon copyright of printed materials.

Online telecommunications (i.e. e-mails) can be a source of copyright violations if copyrighted materials are transmitted from one computer to another.

When Reprinting is Okay

Single Copies

- Instructional staff may reprint and make *single* copies of copyrighted materials, such as:
 - A chapter from a book
 - Articles from periodicals or newspapers
 - Short stories, essays, poems
 - Charts, graphs, diagrams
 - Short excerpt from a performable musical or play

Multiple Copies

- A complete poem if less than 250 words and not more than 2 pages
- An excerpt of a longer poem if the excerpt is less than 200 words
- A complete article, story or essay that is less than 2,500 words
- An excerpt of prose work that is less than 1,000 words or 10% of the work
- One chart, diagram, drawing, cartoon or picture per book or periodical
- No more than 10% of a performance unit of music for academic purposes other than performance

E-mail Retention Guidelines

This article is provided to clarify the retention requirements for e-mail. The appropriate analysis is represented by a series of questions that the individual e-mail user should ask:

Is this e-mail message a public record?

In general, any document or message—whether on paper or electronic—is a public record if it is “made or received pursuant to law or ordinance or in connection with the transaction of official business.” FLA. STAT. § 119.011(1).

In *State v. City of Clearwater*, 863 So.2d 149, 155 (Fla. 2003), a newspaper sued to gain access to both “public” and “personal” e-mail on a city’s computers. The court decided that purely “personal” e-mail messages do not qualify as public records because they are not made or received in connection with the official business of government, even if stored on a government computer.

Thus, purely-personal subject matter is not a public record in the first place, such as a message inviting someone to a wedding or a baby shower, or other messages “not received or created in the course of School District business.” (Note: This discussion of what messages are public records is not intended to endorse use of the District’s e-mail systems for personal business. Employees should use District technology resources applications and databases for assigned responsibilities, to enhance job productivity as it relates to District business.)

If the e-mail is purely personal in nature, it appears that users may delete such messages immediately. Non-public e-mails should be deleted at will (but employees do not have an expectation of privacy in “personal” e-mail messages sent or received on District systems, because government agencies may have the right to screen or review all their employees’ e-mail sent or received on agency equipment, regardless of whether a particular message is a public record.)

On the other hand, if the message is written or received in connection with the District’s affairs, then it clearly is a public record and must be maintained. The next question is, “How long must a public-record e-mail be maintained?”

If the e-mail message is a public record, how long must it be maintained?

There should be different retention

requirements for three kinds of public-records e-mails:

E-mail Notices with No Business Value (delete at will).

This category includes information with no business value after receipt and review. Examples include internal office announcements such as:

“Joe Smith called, please call back”

“Is this afternoon’s meeting still on?”

“Tomorrow’s staff meeting location has been changed to conference room #202.”

Transitory E-mail Messages

(delete after administrative value is lost).

The category of “Transitory Messages” a large percentage of typical E-mail messages, which has the following definition:

“This records series consists of those records that are created primarily for the communication of information, as opposed to communications designed for the perpetuation of knowledge. Transitory messages do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. The informal tone of transitory messages might be compared to the communication that might take place during a telephone conversation or a conversation in an office hallway. Transitory messages would include, but would not be limited to: E-mail messages with short-lived or no administrative value, voice mail, self-sticking notes, and telephone messages.”

The retention requirement for all transitory messages is “retain until obsolete, superseded or administrative value is lost.”

E-mail Messages Relating to Official Business (retain as required by the Retention Schedule).

E-mail messages that pertain to a particular District business transaction, project/case file, board action, or student/personnel issue must be retained as long as all other documentation that pertains to the same transaction/project/case/action/issue. The District’s Retention Schedule must be referenced to determine the specific retention requirement for messages that fall under this category.

Note: If the content of an e-mail message possesses long term business value, employees should print the message and place it in the proper paper file for further

RETENTION, continued from page 6

retention. This printing guideline is consistent with the fact that an important e-mail message could be accidentally deleted and may not be readily retrievable.

What if...

What if someone makes a public records request for a hardcopy printout of an e-mail message that was properly deleted in accordance with the foregoing Guidelines?

If a public-record e-mail message was deleted because it qualified for "deletion at will" under category I or "deletion after the administrative value is lost" under category II, we believe the individual computer user should not be obligated to provide it in response to a public records request if it no longer exists on the user's computer.

On the other hand, if the message has not yet been deleted, then it is subject to a public records request (even if it could have been deleted before receiving the request) and must not be deleted once

a request is made for it. (But after fulfilling the public records request, the message can be deleted if it properly could have been deleted before.) For category III messages, a requester is entitled to either the hardcopy printout or an electronic copy. Either way, however, any confidential or exempt information must be redacted before disclosure.

Who is Responsible For The Retention of E-mail Messages?

Each user is individually responsible for maintaining the public accessibility of his/her own incoming and outgoing e-mail messages as required by the Public Records Act. In *Times Publishing Company v. City of Clearwater*, 830 So.2d 844, 848 (Fla. 2d DCA 2002), a newspaper company argued that an official records custodian must review every e-mail message on the government agency's computers to determine whether it is a public record or a nonpublic personal message. The court disagreed with the newspaper and held that the central records custodian can delegate that responsibility to individual users.

What are Public Records?

All documents, papers, letters, maps, books, tapes photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

Public records are not limited to written documents. They include all types of materials, including tapes, films, and tape recordings. A request for public records should be in writing, but it is not a requirement.

Just a few examples of the wide range of public records that have been subjected to disclosure are: anonymous letters about school personnel received by a school district; communication from third parties; copies of letters received by private citizens,

which are then given to a public official in his/her official capacity; reimbursement records showing amounts paid annually by state agency to medical providers; salary records of employees; travel itineraries and plane reservations for use of state aircraft; applications for employment; grievance records; resumes received; salary information; and travel vouchers.

The following criteria should be followed before responding to a public records request:

1. Do the requested materials exist?
2. If yes, are the requested materials exempt from disclosure?
3. What is the cost, if any, to locate and/or collect the materials?
4. What is the approximate cost of duplicating the materials?



Demanding, Challenging, Exciting... All words I have used again and again in the past 90 days to describe my new post as Board Attorney for the Miami-Dade County School Board. As the fourth largest school district in the nation, Miami-Dade's Board and Superintendent have embraced reform and restructure in furtherance of achieving excellence and equity for its 359,000 students. The urgency for outcomes and success creates a fast-paced atmosphere and a demand for the answers to the "how to:" how to get there, how to get there better, how to get there more efficiently. The need for accurate, reliable and timely legal assistance is crucial. It is NOT business as usual...

Our goal, therefore, is to meet the unique needs of this unique District in a way that buoys and enables the mission by providing comprehensive knowledge and advice; ensuring that compliance requirements are understood and forecasted as part of the contractual, project or program considerations; to provide sound legal advice, recommendations and training to avoid exposure to liability; and to provide strong in-house legal representation and/or case management whenever needed.

To do so, we have organized a core of experienced attorneys in specialized areas to reflect the legal needs of the system. These six proactive Pods are: Academics; Administrative/Regulation Compliance and Governance; Business Operations, Contracts and Construction; Employment and Personnel; Real Estate; and Risk Management and Litigation.

Each Pod is headed by a senior attorney who manages and supervises an associate attorney, legal secretary and paralegal. The Board Attorney manages the office with the assistance of the Deputy Board Attorney. Each attorney has duties and responsibilities benefiting from his/her practice area. All attorneys and support staff work together as teams, as well as in a cross-team approach when necessary. All litigation and claims are reviewed with an eye toward recommendations for improvements to operations, training and/or rule reform if appropriate. We are excited about meeting the demands and challenges ahead!

It is an honor to have joined the dedicated Miami-Dade Team!

JulieAnn Rico Allison
Board Attorney

Meet the Board Attorney's Office

Phone: (305) 995-1304

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JulieAnn Rico Allison
Board Attorney

Marylin Batista-McNamara
Deputy Board Attorney

Debbie Miles, Office Manager
SaBrina Hooks, Secretary to Board Attorney
Pamela Carter, Paralegal
Jacqueline Moise Gibbs, Paralegal
Deborah Maglio, Secretary
Paula Richardson, Secretary
Mary Quant, Law Clerk

Academic Pod

Laura Pincus, Senior Attorney
Melinda McNichols, Associate Attorney

Administrative/Regulation Compliance

Luis M. Garcia, Senior Attorney
Dr. Randall Burks, Consultant

Business Operations, Contracts and Construction

Stephen Shochet, Senior Attorney
Kimberly M. Hall, Associate Attorney

Employment and Personnel

Jean Marie Middleton, Senior Attorney
Ana Segura, Associate Attorney

Real Estate

Vacant

Risk Management and Litigation

Vacant

Please feel free to contact us for timely responses to your legal questions. In establishing a pro-active approach, it is our desire to provide legal guidance early in the decision-making process to avoid legal pitfalls as often as possible.



Miami-Dade County Public Schools

giving our students the world

Board Attorney
JulieAnn Rico Allison

Miami-Dade County School Board

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March 7, 2006

Murray Greenberg, County Attorney
Miami-Dade County Attorney's Office
111 North West First Street, Suite 2810
Miami, Florida 33128

Superintendent of Schools
Rudolph F. Crew, Ed.D.

Subject: Education Compact Between Miami-Dade County and Miami-Dade County Public Schools (School Board Meeting of February 15, 2006, Agenda Item A-2)

Dear Mr. Greenberg:

As you know, the School Board unanimously voted to accept the formation of the Education Compact between Miami-Dade County and Miami-Dade County Public Schools. The components of this Compact are exciting for both of our agencies.

This letter extends to you, with eagerness, my legal cooperation as well as that of my legal staff in assisting you and your staff with the collaborative projects and issues (including Interlocals) arising out of this Compact between the two organizations.

I look forward to working with you in bringing about the beneficial opportunities that await Miami-Dade County and Miami-Dade County Public Schools.

Very truly yours,


JulieAnn Rico Allison
School Board Attorney

JRA:dml

**C: Chair and Members of the School Board of Miami-Dade County Public Schools
Dr. Rudolph Crew, Superintendent of Schools
Alberto Carvalho, Associate Superintendent**

BOARD ATTORNEYS ACADEMIC INITIATIVES 2006

Yellow=Ongoing
Green=Complete
White=Identified

Initiatives	Requestor/Initiator
Recommend pro active approach to avoid and reduce liability in claims under the IDEA	
Identify needs for in-service training <ul style="list-style-type: none">○ ESE and 504 Eligibility and Compliance○ Student Discipline○ ADA○ Title VII○ Child Abuse○ Avoiding Legal Pitfalls in a School Setting	
Review and recommend rules and procedures addressing student records/information confidentiality compliance	
Review and recommend improvements for charter school accountability	
Review and revise Academic Rules	
Assist in Development and Implementation of Truancy Court Project	
Review DCF Agreement for compliance	
Foster relationships with <ul style="list-style-type: none">○ DCF○ Family court○ Juvenile Justice○ State Attorneys	

BOARD ATTORNEYS

BUSINESS OPERATIONS & CONSTRUCTION, CONTRACTS, AND REAL ESTATE INITIATIVES

2006

Yellow=Ongoing
Green=Complete
White=Identified

Initiatives	Requester/Initiator
Finalize standardized agreements for: <ul style="list-style-type: none"> • A/E • CM at Risk • Other Owner/Builder 	
Monitor Surety Bond Impact <ul style="list-style-type: none"> • Develop strategies for handling construction litigation matters 	
Review and recommend revisions to the contract process including legal review and accountability <ul style="list-style-type: none"> • Training Symposium – Explain the contract process and provide highlights of legal review of contracts 	
Review and revise Board Rules for Commodity Purchasing <ul style="list-style-type: none"> • Include review and revision of Board Rules for Bid Protests including adding a requirement for Protest Bonds 	
Review and revise Board Rules for Construction Purchasing	
Monitor Jessica Linsford Act revisions and prepare information for distribution <ul style="list-style-type: none"> • Training Symposium – Jessica Linsford Act revisions 	
Review and revise standard Real Estate documents <ul style="list-style-type: none"> • Create a standard Interlocal/Joint Use Agreement 	

BOARD ATTORNEYS OFFICE ADMINISTRATION INITIATIVES 2006

Yellow=Ongoing
Green=Complete
White=Identified

Initiatives	Requester/Initiator
Develop and Implement Legal Office Practices <ul style="list-style-type: none"> Standardize practices/case handling procedures for Attorneys and Support Staff 	
Integrate and Streamline E-Communications Systems with the District Systems	
Restructure and Reorganize Department	
Implement/Streamline Tracking Systems and Reports <ul style="list-style-type: none"> Open Matters/Case Log (Quarterly Report) Hour Glass (Attorney Time/Case Management System) Public Records Request Log Superintendent Tracking Log Board Rulemaking Tracking Log Attorney Assignments Master Calendar 	
Develop Board Agenda and Legal Review Process	
Develop Attorney Performance Evaluation Instrument	
Create and Design Quarterly Legal Newsletter	
Develop positive working relationships with Board, Board Administrative Assistants, Superintendent and Cabinet	

Deputy School Board Attorney Initiatives:

Oversee development and issuance of RFP for court reporting and surveillance services	
Develop RFP/RFI for conflict counsel on personnel/employment issues, contract disputes, technology transactional, eminent domain, civil litigation, and ESE	
Develop and issue RFP for outside counsel	
Review and revise Board Rule on attorney representation of personnel as necessary	
Review and revise procedures and authority for settlement of tort cases, Workers' Comp cases, etc.	
Develop OCR case management system <ul style="list-style-type: none"> Identify and track all OCR cases 	
Identify and analyze outside counsel legal fees; present cost analysis of budget reductions and cost savings realized by in-house staff	

SCHOOL BOARD ATTORNEY PERSONNEL INITIATIVES 2006

Yellow=Ongoing
Green=Complete
White=Identified

Initiative	Requester/Initiator
Identify and review all types of employee grievance/complaint procedures and recommend changes as legally required	
Work with Labor Relations to establish comprehensive review of all contracts and compare to related Board Rule/Law in order to identify those that are non-compliant. <ul style="list-style-type: none"> • Recommend modifications to negotiation team. 	
Conduct training with various investigatory units re: employment, labor, and discrimination laws.	
Conduct training for supervisory and administrative personnel re: ADA, FMLA, child abuse, Workers' Comp and Title VII.	
Review personnel Board Rules and make recommendations for changes as necessary.	
Review OPS and other Human Resources' manuals for compliance with statutes, rules, laws, and union contracts	
Create an audit check list and process for site administrator monitoring of compliance with employment laws (e.g. ADA posters, FLSA, public record compliance, harassment/discrimination)	
Work with OPS and Human Resources to recommend process/compliance changes to current non-reappointment process.	

BOARD ATTORNEYS

POLICY COMPLIANCE/GOVERNANCE INITIATIVES

2006

Yellow=Ongoing
 Green=Complete
 White=Identified

Initiatives

Requester/Initiator

Rule Making

- Make recommendations for streamlining Board Rulemaking process and procedures

Develop Board Governance Memo

Create Rule development tracking log

Develop action plan for comprehensive Rule Review and Revisions project

- Identify Rules that should be repealed
- Develop one Rule to include a list of all repealed Rules
- Identify all Rules requiring amendment/modification
- Identify and prioritize Rules that require promulgation and which need to codify Board policy (coordinate with Pods)

Develop Training on Governance Issues

- Sunshine Law and Public Records
- Ethics Rules for Government Employees
- Guidelines for Proper Use of Email

Comprehensive Public Records Exemption Overview

Create Governance Manual for Board Members and School Board Administrators

Review and Revise all Board Meeting Notices for Legal Compliance/Advise of Timelines

- Initiate a procedure for School board Attorney's review of all requisite Board meeting advertisements
- Assist School Board Clerk in implementation of tracking log for all newspaper advertisements to insure compliance with timelines
- Provide training to administrative staff on requisite meeting notices

