

Office of School Board Attorney  
JulieAnn Rico, Board Attorney

**SUBJECT: REQUEST FOR AUTHORIZATION TO AMEND CONTRACTUAL AGREEMENT OF ASSOCIATE ATTORNEY, ACADEMIC PROGRAMS & COMPLIANCE TO FILL POSITION OF SENIOR ASSOCIATE ATTORNEY, ACADEMIC PROGRAMS & COMPLIANCE**

**COMMITTEE: SCHOOL SUPPORT ACCOUNTABILITY**

The Senior Associate Attorney, Academic Programs manages cases, associate attorney, and legal support staff, provides legal advice and represents the School Board in the areas of academic programs/contracts, student truancy, expulsions, and disciplinary matters, Exceptional Student Education, student records, custody issues, charter schools, and the Safe School Program. In addition, the Senior Associate Attorney works closely with assigned departments within the academic areas to effectively implement all pertinent policies.

On June 15, 2007, the position of Senior Associate Attorney, Academic Programs & Compliance became vacant. The School Board Attorney is proud to recommend Melinda L. McNichols, who currently holds the position of Associate Attorney, Academic Programs & Compliance, to fill the position of Senior Associate Attorney, Academic Programs & Compliance. As such, a copy of the Amended Employment Agreement is attached to this item, along with a copy of Ms. McNichols' resume and the job description.

The amendment to the contract provides that Ms. McNichols will be employed as the Senior Attorney, Academic Programs for the term of August 2, 2007 to November 30, 2007, with compensation at an annual salary of \$150,000.00.

Ms. McNichols received her Juris Doctorate from Duke University School of Law, Durham, North Carolina. Ms. McNichols has been a member in good standing of the Florida Bar since 1985.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the amendment of Ms. Melinda L. McNichols' contractual agreement and appoint her to the contracted position of Senior Associate Attorney, Academic Programs & Compliance, Office of the School Board Attorney effective August 2, 2007, at an annual salary of \$150,000.00, through November 30, 2007.

**G-3**

## **FIRST AMENDED AGREEMENT**

THIS AMENDMENT to that certain Agreement dated the 16th day of November, 2005, by and between THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, hereinafter referred to as the "BOARD," and MELINDA L. MCNICHOLS, hereinafter referred to as "MCNICHOLS;"

### **WITNESSETH**

WHEREAS, pursuant to a written Agreement between the BOARD and JULIEANN RICO, hereafter referred to as the "BOARD ATTORNEY," the BOARD ATTORNEY is responsible for the selection, hiring and supervision of such additional attorneys as may be necessary for the proper handling of the work of the BOARD; and pursuant to said Agreement each such additional attorney is to be employed by the BOARD; and

### **THE PARTIES AGREE TO THE FOLLOWING AMENDMENTS:**

1. MCNICHOLS will be employed as SENIOR ASSOCIATE ATTORNEY, ACADEMIC PROGRAMS & COMPLIANCE, as per the attached job description and other duties and responsibilities as may be assigned by the BOARD ATTORNEY.

2. The annual salary shall be ONE HUNDRED FIFTY THOUSAND and 00/100 (\$150,000.00) Dollars, payable in biweekly installments, for the period beginning August 2, 2007 to November 30, 2007, subject to increase as the BOARD, the BOARD ATTORNEY and MCNICHOLS may agree. All other provisions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have hereunto signed their names and affixed their seals at Miami-Dade County, Florida, this \_\_\_\_\_ day of August, 2007.

ATTEST:

THE SCHOOL BOARD OF MIAMI-DADE  
COUNTY, FLORIDA

\_\_\_\_\_  
Rudolph F. Crew, Ed.D., Secretary

By: \_\_\_\_\_  
Agustin J. Barrera, Chairman

By: Melinda L. McNichols  
Melinda L. McNichols

Approved as to Form:

\_\_\_\_\_  
JulieAnn Rico  
School Board Attorney

## MIAMI-DADE COUNTY PUBLIC SCHOOLS

### JOB DESCRIPTION

#### IDENTIFICATION INFORMATION

- |    |                        |   |
|----|------------------------|---|
| 1. | JOB TITLE:             | Senior Associate Attorney, Academic Programs & Compliance |
| 2. | DEPARTMENT:            | Board Attorney's Office                                   |
| 3. | IMMEDIATE SUPERVISOR:  | School Board Attorney                                     |
| 4. | PAY GRADE:             | (Contract)  |
| 5. | JOB CODE:              | 8103  |
| 6. | BARGAINING UNIT:       | 6   |
| 7. | DATE OF LAST REVISION: | November 4, 2005  |
| 8. | POSITION AUTHORIZED:   | Board Item G-2, November 16, 2005                         |
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#### OCCUPATIONAL SUMMARY

Senior level position; manages cases associate attorney, and legal support staff. Provides legal advice and represents the School Board in the areas of academic programs/contracts, student truancy, expulsions, and disciplinary matters, Exceptional Student Education, student records, custody issues, charter schools, and the Safe School Program.

#### EXAMPLE OF DUTIES

1. Provides legal advice and represents the School Board in the areas of academic programs/contracts, student truancy, expulsions, and disciplinary matters, Exceptional Student Education, student records, custody issues, charter schools, and the Safe School Program.
2. Drafts and/or reviews board policies, contracts, and documents relating to areas of responsibility.
3. Directs legal research and preparation of legal opinions.
4. Works closely with and provides legal support to Principals, school centers, the area offices and departments within the academic areas to effectively implement all pertinent policies.
5. Represents the School Board in litigation filed by or against the School Board, including but not limited to administrative proceedings, bid protests, court proceedings, civil matters, and constitutional issues involving assigned areas.

6. Provides legal opinions and support for all public meetings, notices, agendas and parliamentary procedures and attends all Board meetings and workshops on applicable legal issues.
7. Coordinates and monitors work performed and services billed by outside counsel in preparing, planning, and representing the School Board in litigation.
8. Recommends changes in policies and procedures to ensure compliance with applicable federal and state laws and Department of Education regulations regarding assigned areas.
9. Coordinates in-service training on legal matters which pertain to areas of assignment and to federal and state laws, and School Board rules which impact these areas.
10. Provides legal representation in litigation matters, disputes and claims filed by and against the District relative to academic and student related issues.
11. Reviews, drafts and negotiates contracts and agreements for academic programs or other related matters.
12. Reviews, supervises and approves the work of Associate Attorney for Academic Programs & Compliance and outside counsel in the provision of legal services to the school District.
13. Follows adopted policies and procedures in accordance with School Board priorities.
14. Conducts oneself in the best interest of students, in accordance with the highest traditions of public education and in support of the District's Mission Statement.
15. Must be willing to cross train and provide legal support in other practice areas as assigned by the School Board Attorney.

#### **PHYSICAL REQUIREMENTS**

This work requires the following physical activities: climbing, bending, stooping, kneeling, twisting, reaching, sitting, standing, walking, lifting, finger dexterity, grasping, repetitive motions, talking, hearing and visual acuity. The work is performed primarily indoors.

**MINIMUM QUALIFICATION REQUIREMENTS**

1. Law degree from accredited law school.
2. Member in good standing of The Florida Bar.
3. Admission to the United States Federal District Court for the Southern District of Florida (preferred).
4. Minimum of five (5) years successful experience working with education, academic programs or similar related experience.
5. Minimum of seven (7) to ten (10) years litigation experience in either trial court or administrative proceedings.
6. Demonstrated ability to successfully manage and supervise employees.

**Melinda L. McNichols**  
1471 Hammond Drive  
Miami Springs, Florida 33166  
305-888-2548 (H)  
305-995-1927 (O)

## **EDUCATION**

**DUKE UNIVERSITY SCHOOL OF LAW**  
Durham, North Carolina  
J.D., 1985

### **Honors and Activities**

Merit Scholarship Recipient  
Research Assistant, Family Law  
Moot Court Semi-Finalist  
Student Representative, Curriculum Committee  
Teaching Assistant, Commercial Practice Clinic  
Mediator, Durham Dispute Settlement Center  
Chair, Speakers Committee, Women in Law Society  
Instructor, Stanley Kaplan LSAT Preparation

**SOUTHERN ILLINOIS UNIVERSITY**  
Edwardsville, Illinois  
M.S. Education, Highest Honors, 1977

**ST. NORBERT COLLEGE**  
DePere, Wisconsin  
B.S. Biology, *Magna Cum Laude*, 1976

## **EMPLOYMENT**

September, 2002 –  
Present

**MIAMI-DADE COUNTY SCHOOL BOARD**  
Assistant Board Attorney

Litigate Title VII employment discrimination, ADA, retaliation cases in federal court, breach of contract and discrimination claims in state court, multiple administrative due process proceedings in employee dismissal and disciplinary actions, exceptional student education mediations and due process hearings under IDEA; review of impact of state legislation on school district; preparation of legal opinions on a wide variety of issues including interpretations of School Board Rules, federal precedents and proposed regulations, state public records laws; routinely responded to legal questions of school site administrators regarding a wide variety of issues including custody issues, FERPA, public records, student suspension and expulsion procedures and religious freedom issues.

October, 1994 –  
August, 2002

**MIAMI-DADE COUNTY COMMISSIONER KATY  
SORENSEN**  
**Chief of Staff**

Responsible for analyzing and drafting legislation, as well as strategizing political action for representative of largely unincorporated Miami-Dade County; included daily interaction with County leadership and staff, direct knowledge of a wide range of county functions such as transportation, planning and zoning, economic development, water and sewer, human services, solid waste, DERM, consumer services, agriculture, and many others. Excellent working knowledge of parliamentary procedure and rules. Responsible for providing direction and advice on all policy matters, as well as procedure and communications with constituents, the public at large and the media. Chief administrator for two offices with seven employees.

October 1993-  
October 1994

**LEGAL SERVICES OF GREATER MIAMI, INC.**  
**Child Welfare Attorney**

Guardian ad Litem attorney for dependent and delinquent children, mostly Haitian immigrants with no family in the United States. Also worked with the Dade County School Board representing children and parents in administrative hearings related to appropriate special education placement.

March 1991-  
October 1993

**CHILD WELFARE LEGAL SERVICES, FLORIDA  
DEPARTMENT OF HEALTH AND REHABILITATIVE  
SERVICES(HRS)**  
**Senior Attorney**

Ten attorney office representing HRS in areas of dependency, foster care, and termination of parental rights for abandoned, abused and neglected children. Primary emphasis in prosecuting dependency and protective services issues. Ninety percent courtroom presentation and trials for approximately 425 cases.



January 1989 –  
December 1990

**BAILEY & HUNT, P.A.**  
**Associate Attorney**

Eighteen attorney civil and commercial litigation practice. Specific experience included state appeals, federal court writing practice, class actions, and large trials representing plaintiffs and defendants in securities, trademark and copyright, and banking law.

June 1985-  
December 1988

**STEARNS WEAVER MILLER WEISSLER  
ALHADEFF & SITTERSON, P.A.**  
**Associate Attorney**

Seventy attorney general civil and commercial litigation. Areas of practice included representing defendants in state appeals, federal court, motion calendar, in areas of contract, banking, securities, administrative, employment law, and large trials involving professional malpractice.

**RELATED  
EMPLOYMENT**

1988 – present

Certified Court Appointed Mediator (Personal Injury, Family, and Commercial)

June 1988 –  
December 1988

Special Project for Metro-Dade County 11<sup>th</sup> Judicial Circuit Court (Judge Wetherington, Chief Judge): Review And Evaluation of Effectiveness of Court's Alternative Dispute Resolution Systems.

September 1988 –  
May 1989

Adjunct Professor, Constitutional Law, Barry University

**OTHER  
EMPLOYMENT**

1977-1982

**TULANE UNIVERSITY**  
New Orleans, Louisiana  
**Director of Student Activities**

Advised and assisted 45 student volunteer organizations in production of all social, educational, recreational and cultural and cultural programming; advised and assisted campus media, particularly weekly campus newspaper and radio station;

developed and facilitated leadership training workshops for student volunteers and student personnel; advisor to student government; chairperson of social programs for first-year student orientation; produced first-year orientation handbook; developed, authored and produced student handbook and student directory.

## **PROFESSIONAL AFFILIATIONS**

American Bar Association  
Florida Bar Association  
Dade County Bar Association  
American Trial Lawyers Association  
Florida Bar – Education Law Committee  
Florida Association of Women Lawyers, Miami-Dade

## **PRO-BONO/ VOLUNTEER**

Guardian ad Litem, 11<sup>th</sup> Judicial Circuit  
AIDS Project, Dade County Bar Association  
Legal Counsel, Florida National Organization for Women  
Springview Elementary School, Miami Springs, Florida  
PTA Advocate: 1999-2000  
President: 2000-2002  
President: Present  
Miami Springs Educational Advisory Board Chair  
2001 – present