

Office of School Board Attorney
Walter J. Harvey, Board Attorney

SUBJECT: YEARLY REPORT TO THE BOARD AND AUTHORIZATION FOR THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA TO ACCEPT ANNUAL REPORT AND APPROVE NO-COST CHANGES IN JOB TITLES

COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL RELATIONS

**LINK TO
STRATEGIC
FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY**

The School Board, at its meeting of October 14, 2009, approved the restructuring of the School Board Attorney's office to be more adequately aligned to the District's present and projected long term legal needs. This agenda item requests that the Board accept the School Board Attorney's 2010 Annual Report and approve further alignment of the office. An oral report concerning the activities, accomplishments, and milestones detailed in the Annual Report was provided to the Innovation Efficiency and Governmental Relations Committee Meeting on September, 1, 2010.

Highlights

We are pleased to report that the comprehensive Rules Revision Project (the first time since 1974), approved by the Board at its meeting of April 14, 2010, is proceeding seamlessly with District staff and is on schedule. Workshops and meetings are in progress to ensure that the Board's Policies are current and provide effective governance for the School Board and the school system. District staff and the School Board Attorney's Office have committed to a timeline and anticipate that an entire set of revised Board Policies (Rules) will be ready for presentation to the School Board by early 2011(see attached schedule).

We are also proud to report that the School Board Attorney's Office has succeeded in implementing a variety of strategies for the resolution of outstanding litigation and other disputes. The point is particularly illustrative in the area of construction. Since August 2009, many outstanding cases and claims have been closed, many cases have been handled in-house and the total attorneys' fees have been reduced to approximately \$929,000. This is the first time attorneys' fees in construction have been under \$1 million in well over a decade (see attached PowerPoint chart).

**WITHDRAWN
October 13, 2010**

G-2

Realignment

The School Board Attorney's Office is in a continued state of proactive adjustments to meet the demands for legal services and to efficiently and effectively provide legal services. Structural and personnel changes are needed to accomplish these efficiencies.

The School Board Attorney's Office participated in a variety of initiatives of the School Board to reduce costs, including the comprehensive revisions of the Personnel Investigative Model (PIM) Manual and management's initiatives to reduce overall costs in personnel and alternate assignment costs. Such initiatives have reduced costs by up to \$2 million.

We have determined that the office would be better aligned with the School Board and the District's priorities with a flattened organization structure, both at the attorney and staff levels. Upon approval of this item, the job title of the Assistant School Board Attorney's will be Deputy Assistant School Board Attorney and all staff positions will be classified as Paralegal I, II, and School Board Attorney's Office Manager. There will be no salary adjustments, as the item merely changes titles to align with District priorities and the current day-to-day operations of the Board Attorney's Office. Each attorney and staff member will continue to be responsible for their specific practice areas.

This restructuring follows the general principles in School Board Rule 6Gx13-4A-1.15, *Assignment, Transfer, and Appointment – Administrative Positions* by eliminating operational redundancies and misalignment of resources, and aligning staffing levels with current workloads and initiatives. And, this will allow attorneys and staff to more effectively manage their areas of expertise, consult more often with District staff and maximize office efficiencies, including the anticipated ability to increase the number of cases and matters handled by our in-house attorneys. None of these changes will increase the overall budget of the office.

Annual Report

Earlier in the year, the School Board Attorney's Office reported to the Board that it updated its website and created an Office handbook and manual applicable policies and procedures. In July, 2010 we have also implemented an information technology system, "Case Management by Client Profiles." This case management and document management system will support the School Board Attorney's Office in its efforts to increase productivity in its daily workflow that will ultimately lead to improved legal product, enhanced research capability and increased return on investment. This case and document manager will track case data more effectively as well as employees' time throughout the day.

In addition, in or around February 2010 fiscal year, the School Board Attorney's Office was audited for its activities and practices prior to the 2009-10 fiscal year. The Chief Auditor made a number of recommendations that were implemented:

1. Established expenditure controls and preapproval provisions for managing legal contracts with outside counsel.

The School Board Attorney established and implemented an internal legal services contract control system that will allow the School Board Attorney's Office to track the legal expenditures of all legal matters handled by outside counsel in a manner that is consistent with and complies with the terms of the legal services contracts. The School Board Attorney also substantially revised Outside Counsel Guidelines, which will encompass a more involved and proactive management of all pending legal matters, and require outside counsel to submit litigation budgets and plans. As a result, significant savings have been realized in legal expenditures.

2. Required outside firms to present a pre-litigation budget for the School Board Attorney's consideration and analysis.

The revised Outside Counsel Guidelines require that at the outset of all litigation or legal matters initiated by the District, a detailed review of the costs and benefits associated with the pursuit of such legal action will be performed. Periodic evaluations of the case or matter are conducted to ensure continued compliance with the scope and purpose of the representation.

3. Ensured that the School Board Attorney is kept informed, at some level, with all legal activity of the District.

The School Board Attorney's Office has undertaken a variety of steps and efforts to remain informed and engaged in all areas involving the District's legal representation, especially those areas that can significantly or directly impact the daily legal work that the Board has authorized and charged the School Board Attorney's Office with performing. The School Board Attorney's Office has engaged staff to become more responsive to their needs and has worked diligently to ensure that communications exist with the District staff overseeing specific areas that have a potential legal impact on the District. Such communication will serve to ensure that all services provided to the School Board are efficient, accurate and appropriate.

4. Shifted additional legal services in-house, and reduced the use of outside legal counsel.

The School Board Attorney's Office has commenced the process of further reducing reliance on outside counsel and has drastically increased the number of cases that are handled in-house in the areas of general liability, workers' compensation, employment discrimination and construction. In an attempt to further reduce expenditures on outside counsel and related fees and costs, the School Board Attorney has implemented various cost-saving measures, such as requiring

proposed litigation budgets upon assignment of a case and through the implementation of rigorous contract management strategies applicable to outside counsel services.

5. Implemented more formal mechanisms to measure and quantify the productivity of staff attorneys and support staff.

The School Board Attorney's Office has procured a software program to track matters handled by its attorneys and staff. The School Board Attorney's Office is also working on improving the current information and management systems used to track the work and cases processed by the office, including work that is routed to the office from different departments. With the Assistance of the Information Technology Department, the office's new case management and document management systems has assisted the School Board Attorney's Office in assessing the productivity of attorneys and staff.

6. Prepared this Annual Report to the School Board.

The School Board Attorney prepared this Annual Report for September 2010, to coincide with the one-year employment anniversary of the School Board Attorney. Attached are charts and graphs for the practice areas in the office summarizing cases handled by the School Board Attorney's Office as well as cases handled by outside counsel. The data on the attached reports regarding outside counsel was utilized, after several meetings, from data received by Gallagher Basset Services and other District offices.

RECOMMENDED: That The School Board of Miami-Dade County, Florida:

1. Accept the 2010-11 Annual Report of the School Board Attorney; and
2. Approve the no-cost job title name changes of the Assistant School Board Attorney's to Deputy Assistant School Board Attorney and all staff as Paralegal I, II, and School Board Attorney's Office Manager as set forth herein.

NON-SCHOOL SITE RECLASSIFICATION OF BOARD ATTORNEY PERSONNEL

<u>ATTORNEY</u>	<u>CURRENT ASSIGNMENT</u>	<u>NEW ASSIGNMENT</u>
Craft, Ana	Assistant School Board Attorney - Business Operations/Contracts/Real Estate/Procurement	Deputy Asst. School Board Attorney
McNichols, Mindy	Assistant School Board Attorney – Academic Programs & Compliance	Deputy Asst. School Board Attorney
Suarez, Henry	Assistant School Board Attorney – Workers’ Compensation/Litigation Supervisor	Deputy Asst. School Board Attorney
Gadson, Teddra Joy	Assistant School Board Attorney – Business Operations/Contracts/Real Estate	Deputy Asst. School Board Attorney
La Piano, Christopher	Assistant School Board Attorney – Personnel/Litigation	Deputy Asst. School Board Attorney
Lawson, Mary	Assistant School Board Attorney – Exceptional Student Education, Academic Programs and Compliance	Deputy Asst. School Board Attorney
Lopez, Jorge	Assistant School Board Attorney – Risk Management/Litigation Supervisor	Deputy Asst. School Board Attorney
Suarez, Arianne	Assistant School Board Attorney – Personnel/Litigation	Deputy Asst. School Board Attorney
Suarez, Henry	Assistant School Board Attorney – Workers’ Compensation/Litigation Supervisor	Deputy Asst. School Board Attorney
Williams, Brian	Assistant School Board Attorney – Construction/Litigation	Deputy Asst. School Board Attorney
Dresch, Daniel	Assistant School Board Attorney – General Litigation	Deputy Asst. School Board Attorney

<u>STAFF</u>	<u>CURRENT ASSIGNMENT</u>	<u>NEW ASSIGNMENT</u>
Carter, Pamela	Paralegal	Paralegal II
Fine, Lana	Legal Secretary	Paralegal I
Gerard, Laureen	Legal Secretary	Paralegal I
Granda, Diana	Paralegal	Paralegal II
Marin, Marisol	Legal Secretary	School Board Attorney’s Office Manager
Moise-Gibbs, Jacqueline	Paralegal	Paralegal II
Pereira, Maritza	Legal Assistant	Paralegal I
Piñate, Diane	Legal Secretary	Paralegal I
Regan, Karen	Legal Secretary	Paralegal I

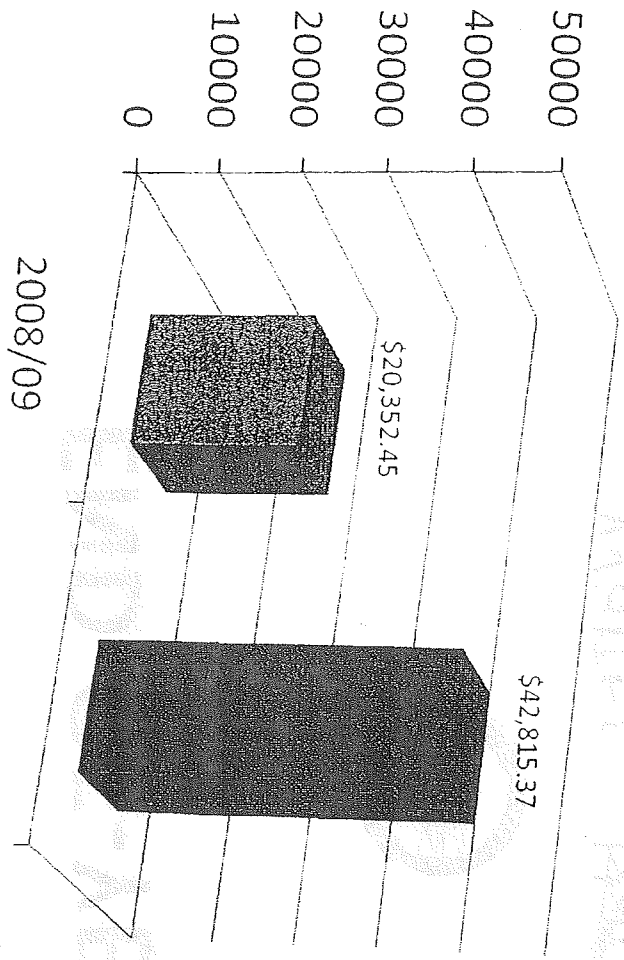
SCHOOL BOARD ATTORNEY END-OF-YEAR REPORT (2009-10)



Walter J. Harvey
School Board Attorney

Call Reynolds Co. at 202

Court Reporting Costs

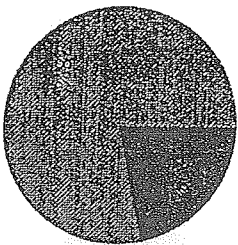


Strategic Framework –
Financial Efficiency/Stability

Increase of \$22,462.92 in court reporting fees due to an increase in legal activity is associated with contesting personnel and ESE claims

Personnel

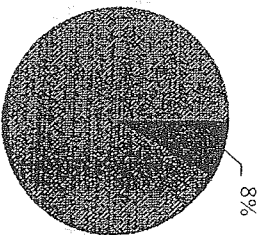
Disciplinary Appeals
2008-2009



■ Appealed
■ Did Not Appeal

2008-2009		
Appealed	22%	15
Did Not Appeal	78%	54
Total	100%	69

Disciplinary Appeals
2009-2010



■ Appealed
■ Did Not Appeal

2009-2010		
Appealed	8%	7
Did Not Appeal	92%	77
Total	100%	84

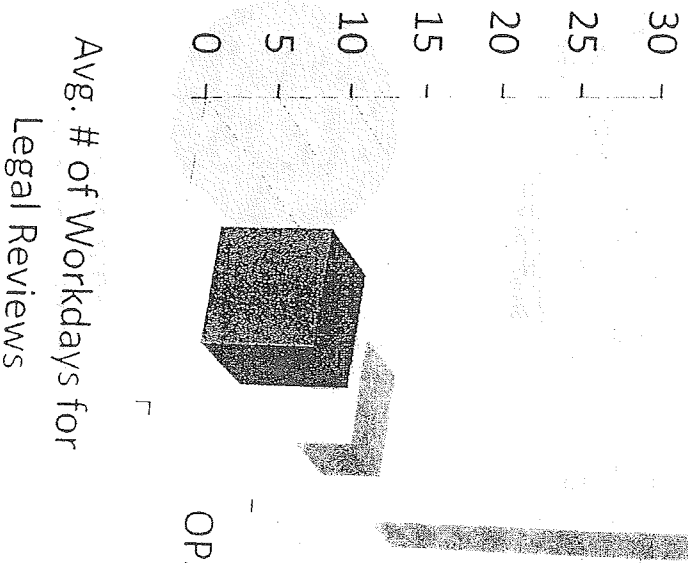
Participated in efforts of the Superintendent to:

- Reduce alternate assignment
- Revise the PIM (Personnel Investigative Model)

Strategic Framework –
School District/Leadership

6/22/2010

Personnel



06'-09' 27.38 Days (2006-09)

CRC 4.56 Days (2010)

OPS 7.96 Days (2010)

■ OPS 7.96 Days (2010)

■ CRC 4.56 Days (2010)

Strategic Framework –
Financial Efficiency/Stability

Academic/ESE

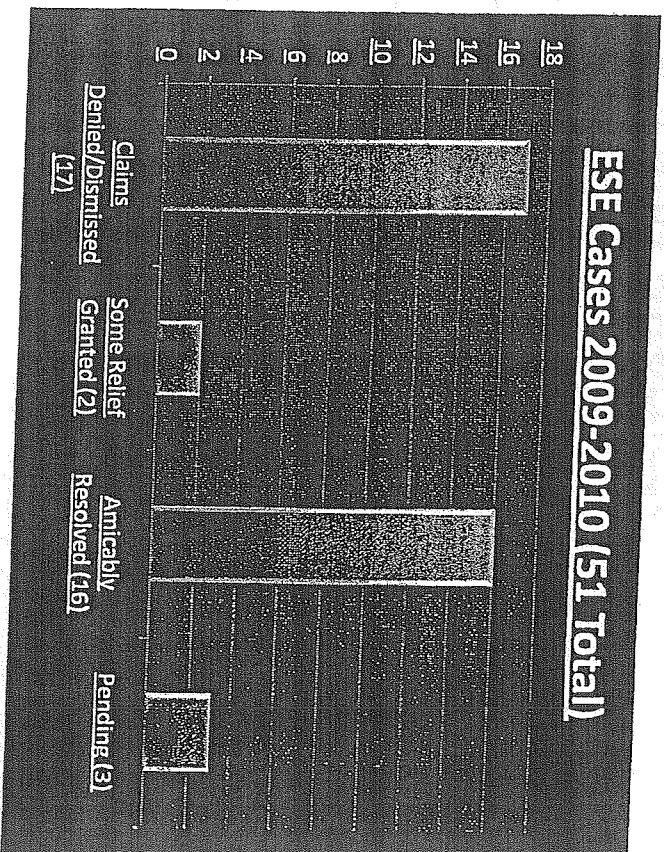
DIVISION OF SPECIAL EDUCATION & PSYCHOLOGICAL SERVICES

ADVISORY ROLE

- Continuous advice on changes in the law, including federal and state regulations
- Updating Board Rules
- Trainings for district and school staff
- Advice on new electronic IEP system
- Legal review of responses to OCR Complaints
- Legal review of responses to state complaints
- Paradigm shift – advice on Response To Intervention
- Day-to-day advice and troubleshooting of various issues brought by special education lawyers and advocates

Strategic Framework –
Financial Efficiency/Stability

II. LITIGATION



Panels/Presentations

- Child Abuse Symposium
- Student Discipline
- ESE - Charter School Principals
- Sunshine Law & Public Records
- District Advisory Committees
- Employee Discipline Issues and Alternate Assignment with School Police and State Attorney

Strategic Framework –
Education

Academic/ESE

Contracts

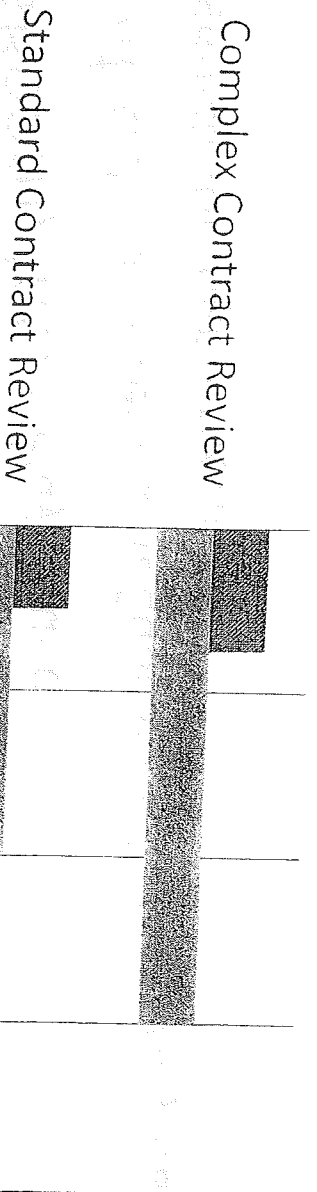
- George T. Baker – American Airlines Plane Donation
- I-Transit, Inc. - Transportation during 2010 Super Bowl & Pro Bowl
- KaBoom, Inc. - Playground
- Drafted - 1st ever Adult Education Community Based Organization Agreement

Strategic Framework –
School Support/Leadership

Course?

Contracts

Chart Title



	Standard Contract Review	Complex Contract Review
2009/10	1	1.5
2008/09	4	6

Strategic Framework –
Student, Parent and Community Engagement

Procurement

- Assisted Superintendent & HR Staff in the legal review of the FAQ's for vendor and employee awareness of regulations on Code of Ethics, Procurement, Anti Fraud/Anti Corruption rules.

Strategic Framework –
Student, Parent and Community Engagement

Construction

Construction

FISCAL YEAR	# CASES FILED	TOTAL EXPENDITURE PER FISCAL YEAR
2004/2005	9	\$ 3,383,189.51
2005/2006	6	\$ 3,145,609.25
2006/2007	3	\$ 3,087,140.64
2007/2008	4	\$ 2,537,426.45
2008/2009	3	\$ 2,184,488.07
2009/2010	12*	\$ 929,323.91

*2 Cases Re-Opened

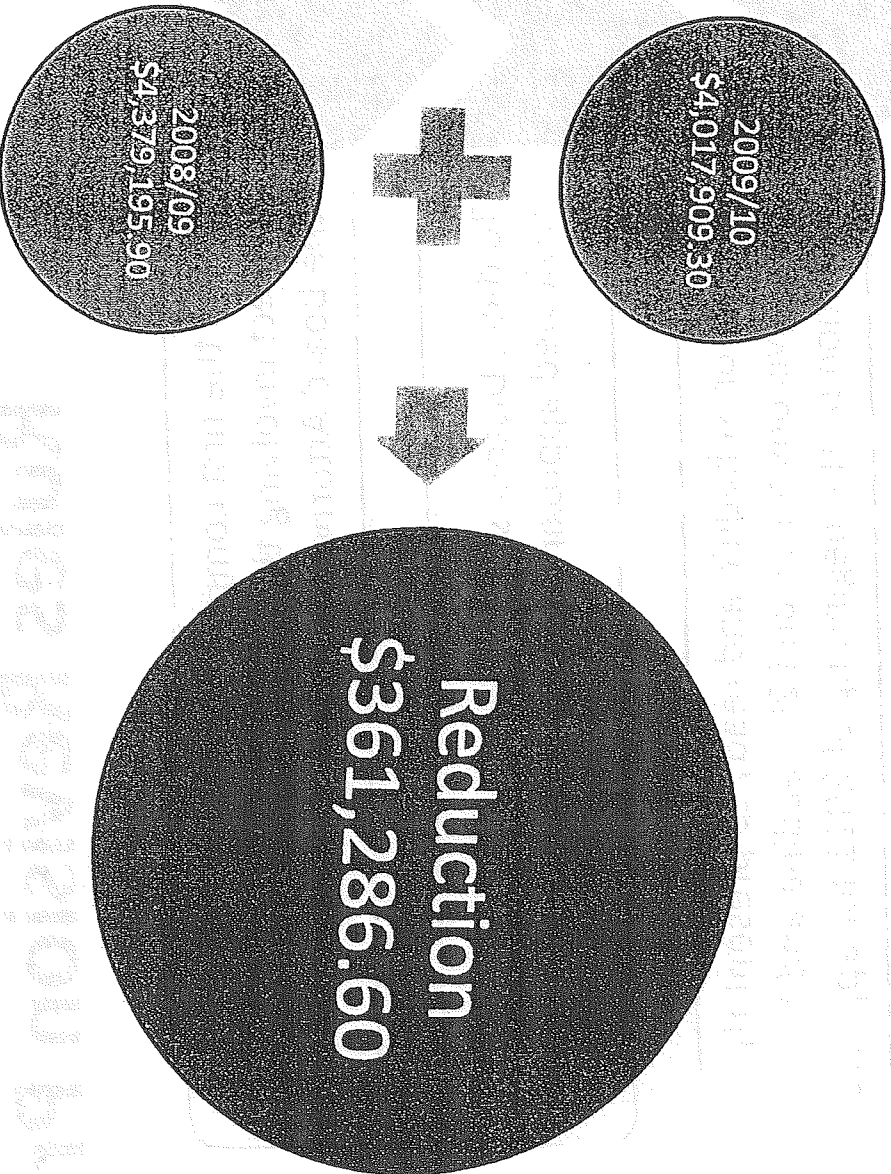
Notes:

The Total Expenditure Per Fiscal Year includes attorney, mediation fees, consultants, testifying experts, testing and remediation and out-of-pocket expenses.

Strategic Framework –

Financial Efficiency/Stability

Workers' Compensation & General Liability



Strategic Framework –
Financial Efficiency/Stability

Project Horizon Project

Rules Revision Project

- This is the first comprehensive Rule Revision project involving the Board, District Staff, and the Board Attorney's Office.
- To date, District staff and the attorneys have reviewed approximately ½ of the Board's rules.
- We are on schedule and ready to present the final revisions for 1st and 2nd reading and final adoption by the beginning of 2011 for approval.

Strategic Framework –
School/District Leadership

Policy Project Schedule & Timeline

School Board of Miami-Dade County

9/27/2010 3:34 PM

DATE	EVENT	TIME/PLACE	TYPE
8/5/10	0000 – Bylaws/Governance (Harvey)	8:30 – 11:30 am Rm 559	NEOLA Mtg.
8/5/10	9000 – Community Relations (Schuster)	1:00 – 4:00 pm Rm 559 (Labor Relations Conf. Rm.)	NEOLA Mtg.
8/6/10	Carryover if necessary	Rm 726	NEOLA Mtg.
9/15/10	0000 – Bylaws/Governance (Harvey)	10:00 – 12:00 pm Rm 726	BOARD WORKSHOP
9/16/10	7000 – Facilities Policies (Torrens)	9:30 – 12:00 pm Rm. 726	NEOLA Mtg.
9/16/10	8000 – Operations Policies (Woodson)	1:00 – 4:00 pm Rm. 726	NEOLA Mtg.
9/17/10	9000 – Community Relations (Schuster) (editing)	8:30 – 10:00 am Rm. 726	NEOLA Mtg.
9/17/10	3000 – Instructional Personnel Policies (Weisman)	10:00 – 4:00 pm Rm. 726	NEOLA Mtg.
10/25/10	4000 – Support Staff (HR) Policies (Weisman) 1000 – Administrative Staff (HR) Policies (Weisman) 3000 – Instructional Personnel Policies (Weisman)	8:30 – 11:30 am Rm 726	NEOLA Mtg.
10/25/10	8000 – Operations Policies (Woodson) (editing)	1:00 – 4:00 pm Rm. 726	NEOLA Mtg.
10/26/10	6000 – Finance Policies (Hinds)	8:30 – 11:30 pm Rm 726	NEOLA Mtg.
10/26/10	7000 – Facilities Policies (Torrens) (editing)	1:00 – 4:00 pm Rm 726	NEOLA Mtg.
10/27/10	5000 – Student (Pupil Personnel) Policies (Fornell)	8:30 – 11:30 am Rm 726	NEOLA Mtg.
10/27/10	2000 – Program Policies (Fornell)	1:00 – 4:00 pm Rm 726	NEOLA Mtg.
11/9/10	5000 – Student (Pupil Personnel) (Fornell) (editing)	1:00 – 4:00 pm Rm 726	NEOLA Mtg.
11/10/10	6000 – Finance Policies (Hinds) 7000 – Facilities Policies (Torrens) 8000 – Operations Policies (Woodson) 9000 – Community Relations (Schuster)	10:00 – 12:00 pm Rm 726	BOARD WORKSHOP
11/10/10	5000 – Student (Pupil Personnel) (Fornell) (editing)	1:00 – 4:00 pm Rm 726	NEOLA Mtg.
11/12/10	2000 – Program Policies (Fornell)(editing)	8:30 – 11:30 am Rm 726	NEOLA Mtg.
11/12/10	4000 – Support Staff (HR) Policies (Weisman)(editing) 1000 – Administrative Staff (HR) Policies (Weisman)(editing)	1:00 – 4:00 pm Rm 726	NEOLA Mtg.
12/9/10	1000 – Administrative Staff (HR) (Weisman) 3000 – Instructional Staff (HR) (Weisman) 4000 – Support Staff (HR) (Weisman)	10:00 – 12:00 pm Rm 726	BOARD WORKSHOP (TENTATIVE)
1/6/11	5000 – Students (Pupil Personnel) (Fornell)	10:00 – 12:00 pm Rm 726	BOARD WORKSHOP (TENTATIVE)
2/10/11	2000 – Program Policies (Fornell)	10:00 – 12:00 pm Rm 726	BOARD WORKSHOP (TENTATIVE)
3/2011	ADOPTION OF POLICIES (RULES)		BOARD MEETING

 Dates for Board Members and Staff

 DATE CHANGE

 Dates for Staff

 ADOPTION OF POLICIES DATE (BOARD MEETING)