

Ms. Raquel A. Regalado, Member

**SUBJECT: REQUEST FOR A WRITTEN LEGAL OPINION FROM THE
SCHOOL BOARD'S ATTORNEY OFFICE ADVISING AS TO
OUR DISTRICT'S POSSIBLE LEGAL RECOURSE(S) NOW
THAT THE CLASS SIZE AMENDMENT REMAINS INTACT**

**COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL
RELATIONS**

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

At the July 14, 2010 this Board authorized our involvement as plaintiff in a lawsuit regarding the class size amendment, to date said lawsuit has not been filed. Since then this Board has waited patiently for other stakeholders to take action. However, since that time, the referendum which sought to alter the Class Size Amendment failed and this District has received notice of non-compliance from the State of Florida. In light of these developments and the effects that a perceived delay may have on our district's ability to exercise its rights, this agenda item seeks the consideration of immediate and independent legal action.

As this Board has discussed on several occasions pursuant to Article IX, Section 1 of Florida Constitution the State has the obligation to fund the Class Size Amendment. Specifically, Article IX §1 states that the State is responsible for "payment of the costs associated with reducing class size to meet [the] requirements."

Therefore, this agenda item requests a legal opinion prior to our next School Board meeting regarding the penalties that may be assessed against this School District for non-compliance with the Class Size Requirement, alternatives to full compliance with said requirement, our options regarding declaratory and injunctive relief from the levying of these fines, as well as our standing to challenge inadequate past and future funding.

ACTION PROPOSED BY

MS. RAQUEL A. REGALADO: That the School Board of Miami-Dade County, Florida request the Superintendent to provide a written legal opinion from the School Board Attorney regarding the penalties that may be assessed against this School District for non-compliance with the Class Size Requirement, alternatives to full compliance, options regarding declaratory and injunctive relief from the levying of non-compliance fines, as well as the District's standing to challenge inadequate past and future funding. } Revised

**Revised
Replacement
H-8**