

Ms. Lubby Navarro, Board Member

Co-Sponsor: Ms. Mari Tere Rojas, Board Member } Added

SUBJECT: BOARD MEMBER ITEMS

COMMITTEE: INNOVATION, GOVERNMENTAL RELATIONS AND COMMUNITY ENGAGEMENT

LINK TO STRATEGIC BLUEPRINT: INFORMED, ENGAGED & EMPOWERED STAKEHOLDERS

By state law and School Board Policy 0156, Legal Counsel, the Board is authorized “to retain legal counsel to render legal services as needed by the Board or Superintendent for school matters.” In addition, Board Policy requires that all contracts to which the Board is a party be reviewed for legal sufficiency by the School Board Attorney (School Board Policy 6540, Approval by the School Board Attorney). The Board Attorney must also be consulted prior to the publication of any Board item seeking the Board’s involvement in litigation; this Policy requires that the item be reviewed and approved by the Board Attorney prior to publication (School Board Policy 0156).

During the School Board Committee meetings of November 16, 2016, concerns were raised as to whether certain School Board Member items had the requisite legal sufficiency in order for the Board to properly consider these items at its regular meeting. In order to ensure that any School Board Member items are free of any legal defects that would preclude their consideration by the Board, this item seeks the Board’s approval for the establishment of a practice, formalized through Board policy, that would require that all School Board Member action items or Board Member Resolutions seeking a call to action, be reviewed and approved by the School Board Attorney as to form and legal sufficiency prior to consideration by the School Board.

} Revised

Based on the discussion by Board Members at the Innovation, Governmental Relations and Community Engagement Committee meeting of December 7, 2016, this item has been revised to provide for the pilot of this process for a period of six (6) months. If the pilot is determined to be successful, rulemaking proceedings would be initiated to formalize the practice.

} Added

ACTION PROPOSED BY LUBBY NAVARRO:

That The School Board of Miami-Dade County, Florida pilot a practice for a period of six (6) months requiring that all School Board Member action items or Resolutions seeking a call to action be reviewed and approved by the School Board Attorney as to form and legal sufficiency, prior to presentation of these items at the appropriate School Board Committee meetings, and that if - upon its completion - the pilot is deemed successful, direct the Superintendent to initiate rulemaking proceedings, in accordance with the Administrative Procedure Act to formalize the practice.

} Revised