

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

**SUBJECT: AUTHORIZATION TO NEGOTIATE AND EXECUTE
PROPOSED AGREEMENTS WITH HOGAN LOVELLS,
LLP, OLMEDILLOx5, AND THE MIAMI DADE COUNTY
DEPARTMENT OF PLANNING AND ZONING FOR
SCHOOL BOARD REDISTRICTING PROJECT**

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

**LINK TO
STRATEGIC
FRAMEWORK: SCHOOL/DISTRICT LEADERSHIP**

Every ten years, legislative and local government district lines are redrawn to balance population for demographic changes revealed by the U.S. census. The School Board is required by Florida Statutes §1001.36 to make changes to the boundaries of any district school board member residence area. The School Board is also legally required to review, formulate and approve a redistricting plan and adopt a resolution setting forth the boundaries for that plan prior to the end of 2011. The Census data has been released for Miami-Dade County, and the data demonstrates significant population shifts that require redesignation of school board member residence area boundaries. (See attached map). At its meeting of April 13, 2011, the Board approved Agenda Item G-9 ("Authorization to Retain Legal Counsel and Redistricting Experts to Assist with the 2011 Redistricting Process"), authorizing the Board Attorney to retain experts for its redistricting project. The redistricting consultant specifications are attached.

In order to comply with Florida Statutes §1001.36, and address other related legal issues and/or concerns of the Board, the School Board Attorney requests authorization to retain the services of outside legal counsel of Hogan Lovells, LLP, cartographer and demographer Oldmedillox5, Inc, and The Miami Dade County Department of Planning and Zoning (a summary of the minimum qualifications and experience for the principals involved are attached). The experts will assist with the complexities of the redistricting process, and study the legal repercussions of proposed legislative changes in the configuration of the Board that could impact the redistricting process in 2011. The experts will also assist the Board in developing its redistricting plan.

RECOMMENDATION:

That The School Board of Miami-Dade County, Florida, authorize the Board Attorney to retain the services of outside legal counsel of Hogan Lovells, LLP, cartographer and demographer Olmedillox5, Inc, and The Miami Dade County Department of Planning and Zoning as database expert for the purposes of assisting with the complexities of the redistricting process.

REDISTRICTING CONSULTANT

QUALIFICATIONS AND EXPERIENCE:

Consultant's proposal shall address, at a minimum, the following:

- Introduce the team, providing a summary of the administration, organization and staffing, including multiple offices, if applicable. This description should indicate the positions and names of the core team that will undertake this contract and their relationship to the consultant's overall task.
- Submit detailed resumes for all management, supervisory and key personnel to be assigned to the contract. Resumes shall be structured to emphasize relevant qualifications and experience specifically related to the specifications outlined in this solicitation. Resumes shall clearly identify the individual's previous experience in completing similar contracts, the beginning and ending dates shall be given for each similar contract, and a description of the contract shall be given and shall demonstrate how the individual's work on the completed contract relates to the individual's ability to contribute. Include any professional designations and affiliations, certifications and licenses, etc.
- Demonstrate expertise in block voting analysis.
- Describe the team's experience (within the last ten years) in performing services of similar size and scope. For each contract listed, include contact names and current phone numbers for each individual identified.

SPECIFICATIONS:

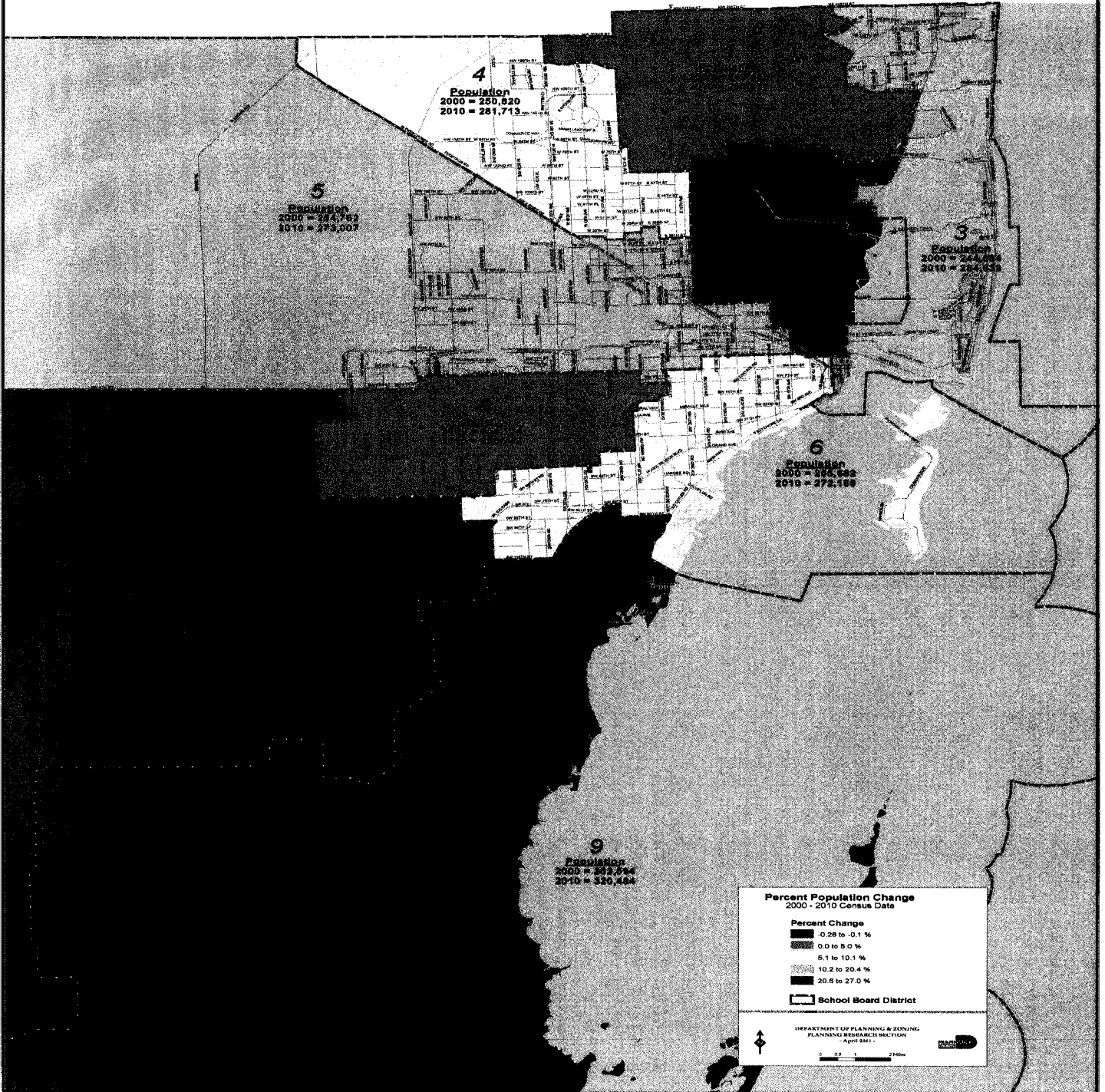
Consultant shall use 2010 decennial federal census data, and all work and proposals shall conform to federal and state law. Consultant's responsibilities shall specifically include, but not be limited to the following:

1. **Public Meetings:** Consultant shall participate and attend redistricting meetings and discussions of the School Board. Planned meetings would include a minimum of two (2) School Board meetings and/or workshops. Consultant will provide hourly rate for the provision of additional public meetings and workshops, as may be necessary. Anticipated meetings include:
 - a. Conduct an initial kick-off session and describe the process and the legal setting, and discuss districting principles.
 - b. Present results of board member input, community input, block voting analysis and criterion used in map evaluation, including submittal requirements from members of the public.
 - c. Present draft and final redistricting map proposals and public input to consider approval of a final plan.

2. **Board member and Stakeholder Input Outreach:** Consultant shall receive board member and public input at School Board meetings and/or workshops in Miami-Dade County.
 - a. Meet and explain the process with board members, key community leaders, and the public to discuss expectations, and seek suggestions about the process. Consultant shall provide non-English speaking support for non-English speaker inquiries.
 - b. Collaborate with District in the preparation of illustrative materials, maps, brochures, and advertising for public meetings, workshops, and outreach.
 - c. Coordinate with MDCPS staff to prepare public notices and media releases.
 - d. Facilitate meetings and provide a short formal presentation on the scope, purpose, process, timelines, and legal issues.
3. **Block Voting Analysis:** Consultant shall conduct performance test districts, if necessary, for compliance with Section 2 of the federal Voting Rights Act including, but not limited to, conducting mock elections.
4. **Redistricting Plans:** Consultant shall create at least one (1) draft redistricting plan and one (1) final redistricting plan for consideration by the Board as follows:
 - a. Each plan shall have districts that comply with federal, state, and local criteria.
 - b. Consultant shall procure and utilize mapping software for the creation of the draft and final redistricting plans.
5. **Deliverables:** Consultant shall utilize the mapping software to draft maps and develop legal descriptions for adjustment of the School Board member residence area boundaries based on the 2010 decennial Census. The Board may require GIS files (personal geo-database) from the Consultant that display the newly defined district boundaries.
6. **Timeline:** Consultant shall provide a weekly status report of project management. Consultant shall provide a detailed timeline for all requirements of this scope of work and in compliance with the deadline specified, Consultant shall complete the final draft of the redistricting plan by August 1, 2011.
7. **Expert Testimony:** Consultant shall provide expert technical assistance to the School Board in any legal action relating to the redistricting process of plans developed with Consultant's assistance. Consultant shall provide expert testimony and "special services," if necessary, in state and federal court in the area of redistricting.

PERCENT POPULATION CHANGE BY SCHOOL BOARD DISTRICT

MIAMI-DADE COUNTY, FLORIDA
2000-2010



JOHN W. BORKOWSKI
Partner, Washington, D.C.
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John W. Borkowski practices in the area of trial and appellate litigation, with emphasis on education law issues arising under the U.S. Constitution, state constitutions, and federal statutes and regulations. He also actively advises public school districts, universities, and private companies in the education sector about a wide variety of matters.

Prior to joining Hogan & Hartson, John served as a law clerk to The Honorable Patricia M. Wald, who was then serving as Chief Judge of the U.S. Court of Appeals for the District of Columbia Circuit.

Since joining Hogan & Hartson in 1988, John has worked primarily on litigation matters involving education law and civil rights issues. He became a partner in the firm in 1996.

John currently works primarily with Hogan Lovells' education group, handling litigation matters, administrative proceedings, negotiations and counseling. He has worked extensively on a wide-range of school desegregation, voting rights, reverse discrimination, special education, and English language learner cases for educational institutions, as well as a variety of litigation matters for other clients. He has handled such matters before a variety of federal trial and appellate courts, including arguing appeals before the Fourth, Fifth, Eighth, and Eleventh Circuits and the U.S. Supreme Court. In addition, he has handled a number of matters involving the U.S. Department of Education, including Title I issues, grants under the Magnet Schools Assistance Program and investigations and compliance reviews by the Office for Civil Rights (OCR). His areas of substantive experience include the Elementary and Secondary Education Act (ESEA), the Equal Education Opportunities Act, Title VI, Title VII, and Title IX, the rights of English language learners, voting rights, school desegregation, the Individuals with Disabilities Education Act (IDEA), school finance, affirmative action, reverse discrimination, and the design and defense of measures to promote equal access.

In addition, John has served in a variety of professional and community activities related to his practice. For example, as an adjunct faculty member at Loyola University School of Law for eight years, he regularly taught a course titled Educational Policy and the Law. He frequently writes articles and speaks at conferences concerning education law and civil rights issues for groups such as the National School Boards Association (NSBA) and the American Association of School Administrators (AASA).

He works out of the firm's Washington, D.C. office and a satellite office in South Bend, Ind.

REPRESENTATIVE EXPERIENCE

Trial and appellate counsel to school districts in several major school desegregation cases.

Legal advisor to school districts in wide variety of federal compliance issues, including the requirements of Elementary and Secondary Education.

Trial, appellate and Supreme Court counsel in voting rights case ultimately argued before the U.S. Supreme Court.

Representation of educational associations in preparation of amicus briefs.

Legal advisor to the Southern Education Foundation in preparation of reports on higher education desegregation.

PUBLISHED WORKS

01 AUGUST 2009 "Legal Issues for School Districts Related to the Education of Undocumented Children." *Joint Publication of the National School Boards Association (NSBA) and The National Education Association (NEA)*, NSBA

01 DECEMBER 2006 "Will NCLB Improve or Harm Public Education?" *Harvard Educational Review*

MAREE F. SNEED

Partner, Washington, D.C.
maree.sneed@hoganlovells.com

Maree Sneed's practice involves advising school districts, educational associations, and private companies in the education sector on a wide range of state and federal legal issues, including those involving the U.S. Constitution, No Child Left Behind Act of 2001 (NCLB), the Individuals with Disabilities Education Act (IDEA), Title VI of the Civil Rights Act of 1964, Title IX, and the Magnet School Assistance Project.

Maree has been involved in litigating on behalf of school districts in both state and federal courts and recently was counsel of record in two Supreme Court cases, *Schaffer v. Weast* and *PICS v. Seattle School District No. 1*. She also has counseled school districts on interpretation of Title I requirements, investigations by the Office for Civil Rights and the Department of Justice, development of policies and plans for English Language Learner students, racial and sexual harassment and cyberbullying. She has assisted school districts in developing court-ordered and voluntary student assignment plans, and magnet plans and policies, including those that comply with the requirements of the federal Magnet Schools Assistance Program. In addition, she has provided regulatory advice to companies in the education sector.

Maree is on the Board of Directors for the Magnet Schools of America. For more than a decade, she was on the faculty of the Harvard Graduate School of Education. She served as a board member and secretary of the National School Boards Foundation and as a Board member of the Council of School Attorneys. Before attending law school, she taught at the high school level. She was also a secondary school principal, assistant principal, and supervisor of gifted and alternative programs in the Montgomery County Public Schools.

REPRESENTATIVE EXPERIENCE

Representation of school districts in major school desegregation cases, including in negotiation of consent decrees and in unitary status analysis and proceedings.

Representation of Baton Rouge community leaders successful effort in assisting in the resolution of the East Baton Rouge school desegregation case, which was the oldest desegregation case in the country.

Representation of school districts in investigations conducted by the Department of Justice and the Office for Civil Rights, including investigations of English Language Learner, special education programs, and Title IX allegations.

Representation of school districts in development and implementation of major policies, including for opening and closing schools, revising attendance boundaries, and ensuring equal educational opportunities.

RECENT PRESENTATIONS

10.22.2009

Presenter, "The Top Three Legal Issues Facing School Leaders," Education Law Association, Louisville, Kentucky.

10.22.2009

Presenter, "Across the Border and Into the Classroom: Safeguarding the Legal Rights of Immigrant Students and English Language Learners," Education Law Association, Louisville, KY.

09.30.2009

Presenter, "Changing of the Guard: How the New Administration Will Affect Public Education," Maryland Associate of Boards of Education, Ocean City, MD.



GUILLERMO OLMEDILLO

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PROFESSIONAL EXPERIENCE

01/01/01 TO PRESENT. Land Use, Planning and Zoning Consultant

Relevant Projects:

- Coordination of Political Redistricting for Miami-Dade County. This project involved the coordination of 13 County Commissioners, community public meetings and all public hearings required by law to achieve the decennial redistricting of Miami-Dade County.
- Coordination of Political Redistricting for the Fire Districts Miami-Dade County.
- Sole consultant for the preparation of the Finding of Necessity for two applications for CRA expansions. City of Miami Community Redevelopment Agency.
- Consultant for attorneys and property owners attempting to obtain development entitlements from different municipalities in Miami-Dade County.
- Land use and zoning expert in two legal cases for the Village of Key Biscayne.
- Land use and zoning expert for property owners in more than 15 legal cases.

1992 – 2001 Director of the Departments of Planning and Zoning,; Building Planning and Zoning; and Planning for Miami-Dade County. During this period of time, the County modified the structure of the development review departments to manage the annual flow of 150,000 building permits, 450,000 building and zoning inspections and 40 public hearings; to review and manage the Comprehensive Plan; and to manage the platting process. The duties of the position were:

- Production and management of the Comprehensive Development Master Plan for Miami-Dade County, including its Capital Improvements Element. (Population 2.25 million). Management of the Planning Zoning functions of the Department.
- Responsibility for all recommendations on land use and zoning issues before all County boards.
- Management of the Planning, Building, Zoning, Platting and Code Enforcement functions of Miami-Dade County. (500 employees).
- Recommendations to the Board of County Commissioners on incorporation and annexation applications.

1985 – 1992 Deputy Director of the Department of Planning, Building and Zoning and Chief of the Zoning and Neighborhood Planning Divisions City of Miami. The duties of the position were:

- Production and management of the Miami Comprehensive Neighborhood for the City of Miami, (Population 385,000).
- Responsibility for all recommendations on land use and zoning issues before the City boards.
- Responsibility for review and management of all neighborhood studies for the City of Miami.

1977 – 1985 Developer and Project manager in Venezuela.

- Developer, Project Manager and Architect for two residential projects, totaling 740 dwelling units, in partnership with Samuel M. Beraja. Caracas, Venezuela.
- Member of the Board of Directors of Banco de Los Llanos, regional bank, Caracas, Venezuela.
- Advisor to the Board of Directors Crenca, Sociedad Financiera, Venezuelan mortgage bank.

1976 – 1977 Division Chief of Urban Projects Division, Fondo Nacional de Desarrollo Urbano, (Venezuelan Public Sector financial institution which funded low and middle income housing projects). The duties of the position were:

- Coordination of all private sector residential projects that were receiving financial incentives from the National Government.
- Senior Advisor to the Director of Urban Planning, Caracas, Venezuela.

1969 – 1976 Chief of Planning for the Capital Region, Caracas, Venezuela. The duties of the position were:

- Management of the urban development for all cities and towns in the Capital Region.

1968 – 1969 Architect for Sentab (Swedish Development Corporation), Caracas.

CERTIFICATIONS

1993 American Institute of Certified Planners.

1977 National professional architectural registration, Caracas, Venezuela.

EDUCATION

1975 Urban and Regional Planning Diploma, CENDES, Caracas, Venezuela.

1973 – 1974 Urban and Regional Planning Fellowship, Massachusetts Institute of Technology (MIT).

1968 Bachelor of Architecture degree, University of Miami. Coral Gables, Florida.