

Ms. Lubby Navarro, Board Member

Co-Sponsors: Ms. Perla Tabares Hantman, Chair
Dr. Martin Karp, Vice Chair
Dr. Dorothy Bendross-Mindingall
Ms. Susie V. Castillo
Dr. Lawrence S. Feldman
Dr. Steve Gallon III
Dr. Marta Pérez
Ms. Maria Teresa Rojas

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SUBJECT: PRIOR REVIEW BY SCHOOL BOARD ATTORNEY OF POLICY RELATED ITEMS

COMMITTEE: FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS

LINK TO STRATEGIC BLUEPRINT: INFORMED, ENGAGED AND EMPOWERED STAKEHOLDERS

Under 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 6540 requires that all contracts to which the Board is a party be reviewed for legal sufficiency 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 (School Board Policy 0156).

During the School Board Meeting of January 16, 2019, concerns were raised as to whether Agenda items seeking the promulgation or amendment of Board policies had the requisite legal sufficiency in order for the Board to properly consider these items at its regular meeting. In order to remove this concern and ensure that any Agenda items involving the amendment of existing Board policies or the promulgation of new Board policies 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 items recommending that a Board policy be amended or seeking the establishment of a new policy, be reviewed and approved by the School Board Attorney as to form and legal sufficiency prior to consideration by the School Board.

This Item has been reviewed and approved by the School Board Attorneys’ Office as to form and legal sufficiency.

ACTION PROPOSED BY LUBBY NAVARRO:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings, in accordance with the Administrative Procedure Act, to require the review and approval by the School Board Attorney, as to form and legal sufficiency, of all Agenda items recommending that a Board policy be amended or seeking the establishment of a new policy (initial and final reading), prior to presentation of these items at the appropriate School Board Committee meetings.