

Ms. Maria Teresa Rojas, Board Member

**SUBJECT: SEEKING REQUIREMENTS THAT NOTICE BE PROVIDED TO
THE SCHOOL BOARD AND THE SUPERINTENDENT OF
SCHOOLS OF PLANNED DEVELOPMENTS THAT MAY IMPACT
PUBLIC SCHOOLS**

COMMITTEE: FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS

**LINK TO STRATEGIC
BLUEPRINT: INFORMED, ENGAGED AND EMPOWERED STAKEHOLDERS**

Unbeknownst to the School Board and our District, a local municipality recently permitted the development of a substantial commercial project in a residential neighborhood which will directly impact two of our public schools. Of greater concern is the fact that there is no evidence that the Board or the District had been formally notified of the approval of this proposed commercial development project that could bring significant and potentially objectionable activities within 1000 feet of a nearby public school. When such commercial establishments are approved by local authorities without input from the local school community, parents, students, teachers and school-site administrators, the parties can often feel that the safety, health, and well-being of the school community, their pedagogical interests and perspectives were not properly considered. In addition, once such commercial projects are established, such projects can have unintended consequences, impairing the fabric of the local school community and disrupting an established school environment due to its proximity to minors.

Moreover, the approval of this commercial development arose from a court-approved settlement of litigation between the municipality and the developer, so therefore, the municipality was apparently not legally required to provide the School Board and the Superintendent with any formal notice of the approval of this project. By the time the School Board and the District, school site administrators, and parents learned of this municipality's approval of the commercial project that will have a significant and potentially adverse impact on two of our schools, it was too late for the School Board, the Superintendent, and the school community to have any meaningful input in the process and to voice their concerns to the municipality.

It does not serve the public interest when there is no record that the School Board and the Superintendent received or was provided formal written notice and an opportunity to provide meaningful input concerning a commercial project that will significantly impact a local school community. As such, local school communities often feel, whether intended or not, that they were not afforded and opportunity to provide the local authorities their academic, health and safety, or pedagogic perspectives. Although some notice is typically required under the subject municipality's local ordinances, notices to the School Board and the Superintendent should be heightened when potentially objectionable projects are under consideration to be placed so close to the place of study and learning for our public school students. A heightened level of formal notice to the local school community should accompany proposed objectionable commercial activities that may accompany these development projects. Such objectionable activities could include, but are not limited to, temporary housing for registered sexual predators, medical marijuana dispensaries, adult entertainment stores, gasoline service stations, and establishments that sell alcoholic beverages.

This item is presented for the Board's consideration to authorize the Superintendent of Schools to advocate for changes, amendments and revisions to municipal and county zoning codes, local municipal compacts, ordinances and in state statutes to require that the School Board and the Superintendent be notified by certified mail prior to the approval of any planned commercial development that is to be built within 1,000 feet of a public school. This formal notification should occur at every critical stage, including but not limited to, the zoning application and public hearing stages. In addition, the School Board should be notified of any proposed settlement with a developer that concerns any future commercial project to be located within 1,000 feet of a public school. This item also requests that the Superintendent include a statutory notice requirement as part of the Board's 2021 legislative platform and to seek the amendment of educational compacts with municipalities to include a requirement that such notice be provided to the District; and for a review by local zoning authorities to determine if commercial development projects approved within the last 12 months, and are proposed to be located within 1,000 feet of any public school, have instituted appropriate enforcements to protect the health, safety, and welfare of students.

This item has been reviewed and approved by the School Board Attorney's office as to form and legal sufficiency.

ACTION PROPOSED BY

MS. MARIA TERESA ROJAS:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent of Schools to:

1. Advocate:
 - a. for changes, amendments and revisions to municipal and county zoning codes, local municipal compacts, ordinances and in state statutes to require that the School Board and the Superintendent be notified by certified mail prior to the approval of any planned commercial development that is to be built within 1,000 feet of a public school;
 - b. that formal notification occur at every critical stage, including but not limited to, the zoning application and public hearing stages;
 - c. that the County or municipality be legally required to notify the School Board of any proposed settlement with a developer that concerns any future commercial project to be located within 1,000 feet of a public school;
 - d. that there be a statutory notice requirement as part of the Board's 2021 legislative platform; and
 - e. for the amendment of all local educational compacts with municipalities to include a requirement that such notices be provided to the District.
 - f. For a review by local zoning authorities to determine if commercial development projects approved within the last 12 months, and are proposed to be located within 1,000 feet of any public school, have instituted appropriate enforcements to protect the health, safety, and welfare of students.
2. Report back to the Board regarding paragraphs a-f above by the April 2021 School Board meeting.