

Office of General Counsel  
Walter J. Harvey, General Counsel

**SUBJECT: ANNUAL REPORT TO THE BOARD**

**COMMITTEE: PERSONNEL, STUDENT, SCHOOL, & COMMUNITY SUPPORT**

**LINK TO STRATEGIC PLAN: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES**

The School Board General Counsel presents this annual report to the Board summarizing and highlighting the legal work and overall performance of the Office of the General Counsel (OGC). The General Counsel is very proud of the dedicated and talented staff who work diligently, consistently, and responsibly to provide the highest level of legal advice and representation to the School Board.

### **OVERVIEW**

The OGC has continued its commitment to the five (5) pillars of the District's 2021-2026 Strategic Plan *Infinite Possibilities*: Relevant, Rigorous & Innovative Academics; Safe, Healthy & Supportive Learning Environment; Highly Effective Teachers, Leaders & Staff; Informed, Engaged & Empowered Stakeholders; and Effective and Sustainable Business Practices.

The OGC works collaboratively with the School Board, the Superintendent, Cabinet level administrators, District departments, school administrators and schools to be more effective in serving and protecting our students, and to safeguard the best interests of the School Board.

**G-1**

## **HIGHLIGHTS**

### **Advocacy and Compliance**

- Monitored issues involving parental rights and reviews of instructional and library materials and defended state and federal lawsuits involving these issues.
- With the assistance of outside counsel, advised and structured a mutually agreed-upon settlement process for the conclusion of the litigation involving the claims for retroactive payments from the distribution of the proceeds of the 2018 ad valorem tax referendum, and obtaining an overall resolution to the matter.
- Formulated policy amendments based on education-related bills signed into law after the 2024 legislative session, corresponding administrative code rules adopted by the State Board of Education, and School Board and District initiatives.
- Ensured compliance with new laws and regulations by providing input on staff trainings and employee briefings and assisting in the development of District procedures and forms.
- Negotiated, reviewed and drafted several complex agreements for commercial, telecommunications and real estate transactions, which included multivariate arrangements designed to protect the Board's tangible assets, intellectual property and legal rights.

### **Presentations**

In the last year, OGC attorneys were requested to present at:

- American Bar Association Section of State & Local Government Law.
- The Quarterly Chat for SBE and MWBE firms on Joint Ventures.
- The Risk Management Society, Greater Miami Chapter.
- The Judicial Nominating Commission, "*Judicial Nomination Process and Procedures*" with various voluntary bar associations.
- Local law schools, colleges, and high schools regarding various topics in Education Law.
- Forums, seminars, ad hoc committees and working groups with various local judges and attorneys regarding public schools and education law.
- L2L Professional Development Round Table for MDCPS Principals and Assistant Principals.

- Office of School Leadership and Performance, Division of Educational Opportunity and Access Professional Development Presentation for M-DCPS staff who deal with Alternative Education matters.
- Ethics Training and Parliamentary Procedure training for various volunteer and community groups and boards.
- Field trips to courthouses for local public high school students interested in pursuing a career in the law.
- Coordinated sessions for local public high school students to meet local judges.
- Trips organized and coordinated with the Supervisor of Elections for public high school students to visit the elections office and conduct mock elections.
- Group sessions and seminars for school and government law professionals sponsored by the Florida School Board Attorneys' Association, the Council of Great City Schools General Counsels, the Florida Municipal Attorneys Association, the Council of School Attorneys Association, and the League of Prosecutors.
- Lecture and panel discussions with local voluntary bar associations, including the Wilkie D. Ferguson Jr. Bar Association, regarding education law topics.
- Panel and group discussions with the Florida School Board Attorneys Association regarding various important topics.
- Ethics presentation at the 2024 Dade Association of School Administrators (DASA) Leadership Summer Conference.
- A lecture on federal and state Constitutional Law at the University of Miami Law School.
- Various local forums, including the Holland & Knight's Annual Emerging Legal Trends Forum.

### **Internal Staff Trainings**

OGC attorneys also provide trainings for the Board, District staff, and advisory committees on a regular basis and upon request on a variety of issues, including:

- The Employee Disciplinary Process and Other Relevant Topics for School Site Administrators
- Board Member & Administrative Assistant Training on Ethics & Board Governance (e.g., Sunshine Law, Public Records Act, parliamentary procedure and ethics laws)
- The District's Summer *Synergy* Program for Administrators, 2024

- Ethics and Open Government Seminar conducted by Ms. Caroline Klancke, Executive Director of the Florida Ethics Institute, in conjunction with the Ethics Advisory Committee
- Mock trial training for students at select high schools.

These trainings were delivered to the Board as well as the Secure Our Future Advisory Committee, the School Health Advisory Committee (SHAC), the Attendance Boundary Committee (ABC), the Audit and Budget Advisory Committee (ABAC), the Diversity, Equity and Excellence Advisory Committee (DEEAC), the Bridging the Gap Committee, the Small Micro, Minority, Women and Veteran Business Enterprise Advisory Committee, the Family Community Involvement Advisory Committee, the Ethics Advisory Committee, the Twenty-First Century Bond Advisory Committee, the Wellness Advisory Committee, the Superintendent's Exceptional Student Education Panel, the Technical Advisory Committee, and various task forces. School Operations staff, Student Services staff, District Counselors and other departments also received training on various student-related issues.

### **Trademark, Licensing and Copyright Programs**

The OGC continues to provide legal services and support for the protection of the District's marks. In pursuit of the foregoing, the OGC undertook an extensive review of all of the District's high school marks, the M-DCPS logo, and selected departmental and programmatic initiatives to ensure they are registered through the Florida Department of State, as several of them were due for five-year renewal. Several school marks and the M-DCPS logo have also been renewed and registered with the U.S. Patent and Trademark Office, granting the School Board a Declaration of Continued Use for an additional ten years. The OGC is continuously working with District staff to register new marks with the Florida Department of State and the U.S. Patent and Trademark Office and, when necessary, issues cease and desist notices when the District's intellectual property interests are threatened.

The District is unique in its approach and has developed a comprehensive intellectual property program to cover original ideas, designs, discoveries, inventions and creative work. The OGC has worked with District staff to develop a flagship Board Policy and procedures to secure, protect and support the District's copyrights, trademarks, trade secrets, licenses and other intellectual property.

### **WLRN**

The School Board continues to work with South Florida Public Media as the Media Manager of WLRN. The collaborative effort that was established by the Board pursuant to a competitive solicitation and contractual negotiations culminated in a 2022 Media

Management Agreement. This collaboration ensures that the television and radio stations are managed by the best and the brightest in the field with a viable contractual arrangement, deliverables, and a continuing commitment between the parties. Currently, the OGC actively assists staff in a wide-ranging capacity in relation to the station's legal issues. These efforts can range from advising District staff and the Media Manager of Board Policy requirements, assisting with state and federal compliance filings, assisting in reviewing programming agreements, drafting agreements for structural upgrades to the stations' facilities, and counseling District staff and the Media Manager on their compliance obligations under various federal and state regulations.

### **Collaborative Partnerships**

The OGC provides significant legal assistance and guidance to staff involved in the District's development of over 300 collaborative partnerships with other government, non-profit and private entities to provide greater access to educational opportunities to students and parents, including, but not limited to, interlocal agreements, affiliating agreements and joint facilities use agreements with municipalities and local non-profits. The OGC has also provided legal guidance on federal and state requirements for partnering with such organizations, and the OGC has assisted District staff in amending policies and developing procedures to address new state requirements regulating these collaborative partnerships.

### **Policy Updates**

Within the 2024 calendar year, the OGC, in consultation with the Superintendent's Office and Cabinet, facilitated the Board's annual review of policy revisions resulting from the 2024 legislative session, as well as Board and District initiatives. The OGC presented or assisted District staff in presenting forty-eight (48) policies for amendment or adoption in 2024. The policy revisions addressed a wide range of areas, including Board governance, Board initiatives, public meetings, school safety, employee ethics, business practices, student programs, assessment and achievement, interscholastic athletics, school operations, student well-being, prohibitions on discrimination and harassment, parental rights, employment practices, teachers' rights, and community relations. During the process, OGC also provided guidance to several District departments on interpreting and applying the legislation and policy amendments to District operations. The OGC additionally provided a legal review of comprehensive policies such as the Student Progression Plan, Exceptional Student Education Progression Plan, and the *Code of Student Conduct* (Elementary and Secondary), which was replaced in 2024 with a new, easy-to-read version. Policies on school attendance, registration, withdrawals, and dropout prevention and academic intervention programs were also repealed and replaced as part of the OGC's policy-modernization effort.

Significantly, the OGC worked with several District departments and an outside information-technology consulting firm in 2024 to facilitate the repeal and replacement of several policies governing District technology. These policies cover subjects including the security of District technology, District applications and digital content, students' and staff's responsible use of District technology, students' and staff's use of the District's electronic mail system, and employees' wireless communication devices. These policies were substantially updated or replaced to incorporate modern terms and conditions. Many of these policies, for example, now require safe, ethical, and responsible use of artificial intelligence and for students and staff to receive information on those subjects.

## **PILLARS**

### **EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES**

The OGC represents the School Board, the Superintendent, and the District in a variety of litigated cases and other adversarial matters.

#### **General Liability/Tort**

The OGC handles nearly all general liability claims and lawsuits brought against the District. These include pre-suit notices of claims that are required by § 768.28, Florida Statutes, prior to filing a lawsuit, as well as general liability lawsuits filed against the District seeking monetary damages and other relief for alleged personal injury and property loss.

During calendar year 2024, 186 pre-suit notices of claims and 48 general liability lawsuits were received and investigated by the OGC. The 186 pre-suit notices of claim processed during 2024 is historically consistent with the 191 pre-suit notices of claim processed during 2023 and the 179 pre-suit notices of claim processed during 2022.

In addition, 48 general liability lawsuits were received by the OGC during calendar year 2024. The OGC thereafter provided legal representation to the District as required to fully protect the District's interests. The 48 general liability lawsuits filed against the District during 2024 represent a decrease over the 59 lawsuits filed in 2023 but remains historically consistent with the 48 lawsuits filed against the District in 2022 and the 45 lawsuits received in 2021.

OGC attorneys are currently defending 72 general liability lawsuits previously filed against the District. In 2024, OGC attorneys also successfully defended the District in appeals brought in the Florida Third District Court of Appeal and U.S. Eleventh Circuit Court of Appeals, respectively.

In addition to handling lawsuits in-house, the OGC supervises those lawsuits assigned to outside attorneys involving a specialized area of legal practice. During 2024, there were 3 lawsuits requiring specialized areas of legal practice provided by outside counsel. These matters involve the defense of legal challenges pertaining to distribution of the 2018 mileage levy referendum funds, defense of legal efforts by the Florida Attorney General's Office to extinguish and release opioid mitigation claims brought by the District against manufacturers and distributors of such pharmaceuticals, and defense of a challenge against the District for alleged statutory violation of salary provisions of applicable Florida Statutes. We anticipate that these pending matters assigned to outside counsel will be substantially concluded during 2025.

During 2024, general liability outside counsel fees decreased for the fourth year in a row to \$315,424 as compared to \$371,133 in 2023, \$408,953 in 2022, \$479,635 in 2021 and \$973,729 in 2020. See **Exhibit A**. Of the \$315,424 in general liability outside counsel fees expended during 2024, only \$3,266 is attributable to personal injury litigation, the lowest amount since at least 2014. The remaining general liability outside counsel fees expenditures are related to litigation involving specialized areas of legal practice. This is a direct result of OGC attorneys handling practically all personal injury lawsuits brought against the District.

The utilization of OGC attorneys in the defense of the numerous claims and lawsuits filed against the District continues to account for substantial cost savings to the District. Prior to the restructuring of the OGC approved by the Board at its meeting of October 14, 2009, the District spent an average of \$1,400,000 annually on outside counsel fees, as compared to the \$315,424 expended during 2024. See **Exhibit D**, Attorneys' Fee Comparison. We anticipate that outside counsel fees expenditures during 2025 and beyond will continue this downwards trend.

### **Complex Multi-District Litigation/Mass Tort Litigation/Class Actions**

The OGC, working with a group of attorneys representing hundreds of school districts across the country, filed a multi-district lawsuit and eventually obtained a landmark billion-dollar settlement arising out of Juul Labs' targeted marketing of electronic cigarettes to minors. To obtain this favorable result, the attorneys used a centuries-old legal argument: that the e-cigarette startup was a "public nuisance," a term for things that cause widespread harm. Our school district, along with other school districts in the nation, received a monetary award from the settlement proceeds with annual payments that will continue through 2026.

Also in 2024, the Board through the OGC continued working with outside counsel in pursuing claims against various social media companies. This litigation was filed in the United States District Court, Northern District of California, on behalf of the Board and

dozens of other public school districts across several states against social media companies, such as Meta, Instagram, Facebook, Alphabet, Google, YouTube, Snap Inc., TikTok, and ByteDance. The lawsuit, which remains pending, argues that these companies are knowingly creating an unprecedented youth mental health crisis by purposefully designing their platforms with addictive features and misrepresenting the safety of their products for youth.

In addition, the OGC will continue to monitor legal developments and trends to determine whether other widespread injuries impacting our schools, students and employees can potentially be addressed in the courts. If a viable development does arise, the OGC will bring the matter to the Board for its consideration.

### **Workers' Compensation**

Commencing in early 2017, the OGC extensively expanded its in-house workers' compensation law practice. Presently, OGC attorneys and paralegals are handling in excess of 140 active workers' compensation claims that have been filed against the District. During 2024, sixty-four (64) new litigated workers' compensation claims were assigned to OGC attorneys, and the office was successful in bringing over 80 claims to closure during the year. Legal fees paid to outside workers' compensation defense counsel have decreased significantly since the 2017 inclusion of workers' compensation matters in the OGC's in-house practice. Legal expenditures during the five-years preceding 2017 averaged \$2,804,236 per year. In 2024, expenditures for outside counsel were \$1,346,563.62, which is 47.4% of the spending seen in 2016, prior to the in-house capture of a majority of workers' compensation claims. See **Exhibit B**, Workers' Compensation Attorneys' Fees, attached. These savings are particularly significant when compared to the expenditures seen in 2008 (\$4.3 million) and 2009 (\$4.1 million), for example. Due to our continued reliance on in-house counsel and paralegals, the OGC expects that outside legal expenditures will continue to decrease as we continue to increase the number of matters retained in-house in upcoming years.

The OGC strives daily to maintain an intricate level of cooperation between the injured employee's location(s), Risk Management, Personnel, Payroll, Compensation, Leave & Retirement, OPS, CIU and ADA, constantly streamlining workers' compensation procedures and engendering strong relationships in the community in order to minimize disruptions to our MDCPS operations as a result of legal proceedings. The OGC also plays a significant role in the day-to-day execution and effectiveness of Risk Management's groundbreaking return-to-work program (W.E.R.C.) via education and collaboration with the employees and their personal counsel. In order to maximize the cost-benefit of the acclaimed WERC program to the District, we have recently commenced discussions with several departments, including Labor Relations, to study how bringing the opportunity for transitional employment to the presently ineligible injured

part-time workers would further reduce the District's financial exposure for lost wage benefits in the future.

### **Construction, Planning, and Facilities**

The OGC assisted District staff and community stakeholders in revising Board procedures related to construction and procurement, as well as revising the District's existing construction and professional service form contracts, including the Miscellaneous CM-at-Risk, Architect/Engineer, and Building Code Consultant contracts. The OGC worked closely with the Office of Procurement Management Services to provide assistance with the Contractor Disciplinary Review Committee and prepare responses to bid protests filed against the District.

The OGC has also assisted the Facilities department in developing its Guaranteed Energy Performance Program that will ultimately fund capital improvements through energy saving initiatives. Facilities intends to update District facilities solely based on the savings from utilizing new energy efficient means, and the OGC has provided legal support in that regard.

The OGC additionally assists and attends the Goal Setting Committee Meetings, Contractor Prequalification Committee Meetings and the Small/ Micro and Minority/ Women Owned, and Veteran Business Enterprise Advisory Committee Meetings, to provide legal assistance in the implementation of Board policies. The OGC also served as legal liaison to the Construction Task Force. The OGC continues to be strongly committed to working with the Office of Education and Economic Access, the Office of Procurement Management Services, and the Office of School Facilities in the development of policies and procedures to increase the participation of small, micro, minority and women-owned firms and vendors.

To ensure that staff and community members are aware of the School Board's new/revised construction policies, the OGC provided a presentation at the "On-Boarding Session" for new hires and at various committee meetings where members of the community were present.

Even with the increase in construction services necessary due to General Obligation Bond issues, the District's legal cost of claims and bid protests remained in line with historic lows when compared to expenditures from 2004-2009. In 2024, the District spent approximately an average of \$44,935.50 annually on outside counsel fees. See **Exhibit C**, *Total Construction-Related Attorneys' Fee Expenditures*, and **Exhibit D**, *Attorneys' Fee Comparisons*.

## **Real Estate and Complex Commercial Transactions**

During the period covered by this Report, the OGC provided extensive support in the area of complex real estate transactions involving Board-owned properties, including ground leases, development agreements, interlocal agreements and related documentation, with the OGC providing representation from contract negotiations through the conclusion of each matter. The OGC also provided legal representation relating to several interlocal/interagency agreements with Miami-Dade County, Broward County and several local municipalities, in addition to numerous joint use and facilities use agreements. This included, but was not limited to, the negotiation and drafting of agreements for public park spaces, such as a Master Joint Use Agreements with Miami-Dade County and other municipalities to make designated city park sites and designated school sites available for both educational/school and recreational/park use. The foregoing efforts also included the following: a proposed Joint Use Agreement with the City of South Miami and a proposed Interlocal Agreement with the City of Hialeah providing that the City and the Board make available certain sites for recreational and educational activities for the benefit of M-DCPS students and of the residents of the City; a Joint Use Agreement with the City of Miami Springs making recreational programs, activities and facilities available to our students and City residents, as well; and a proposed Joint Use Agreement with the City of Coral Gables for joint use of Phillips Park by the District and for use of parking by the City at Coral Gables Preparatory Academy. In addition, the OGC assisted in preparing documentation required by the State of Florida for the proposed enhancement of McTyre Park by Broward County and the City of West Park.

The OGC also provided legal support in substantial collaboration with North Bay Village for the joint use of Board property to provide for Village and Board sports programming. In 2024, the OGC, along with staff and the outside consultant, LMG Solutions, finalized negotiations for an amendment to the North Bay Village (Village) Joint Use Agreement (JUA). This amendment aims to revitalize the exterior property of Treasure Island Elementary School through the development of a soccer complex with ties to the Argentine Football Association, including a professional-style pitch, and a \$5.5 million capital investment by the Village in the first year. An increasing base license fee payment will be made to the Board for the shared use of the property each year of the JUA. In addition, a revenue-sharing structure was included in the amendment to the JUA that ensures all monies generated from the shared property are equally distributed. The OGC also assisted the District in its collaboration with North Bay Village in an Agreement for Easements as well as a temporary and permanent easement granted to the Village to facilitate the construction of a new sewer line traversing a portion of the Board property.

The OGC continues to provide legal guidance relating to District initiatives which may lead to potential redevelopment opportunities of certain Board-owned sites, which would include an educational component and a residential component for workforce housing, prioritizing teachers. The OGC provides legal advice on various School Board financing

arrangements, and also works with and assists District staff in reviewing and drafting documents relating to numerous partnerships with local municipalities, governmental and private entities, to improve the services provided to employees and students. To further these efforts, our office has performed title examinations of several Board-owned properties to obviate potential issues relating to title matters. In addition, the OGC is supporting staff in negotiating a lease agreement with a non-profit organization which will provide housing, behavioral health services, early childhood education, adult education and vocational opportunities for the lessee's clients and neighboring communities.

As it relates to the District's initiative to promote the passage of an increase of the Educational Facilities Impact Fees (EFIF) in Miami-Dade County, our office has participated in the Technical Advisory Committee, which performs an ongoing review of the working drafts of the proposed EFIF Study being prepared by Benesch. This study will analyze whether the data supports a proposed increase, if any, of the EFIF, which have remained unchanged since they were established in 1995. Our office has also participated in numerous internal meetings and in meetings with certain stakeholders, including the Builders Association of South Florida, the Latin Builders Association, Miami-Dade County, and others as part of the District's community outreach on the subject.

Our office also provided legal assistance to District staff in cell tower communications agreements with AT&T and Verizon to collocate at that certain tower located at the Southwest Senior High School campus, as well as with Verizon to collocate at the cell towers located at Bent Tree Elementary and Christina M. Eve Elementary. We also provided legal assistance with several parking agreements, numerous Florida Power and Light easements, water and sewer agreements, and all documentation relating to the real estate closing of a portion of the property located at Pasadena at the California Club.

In addition, our office continues to provide legal support relating to the District's responsibilities as regulatory agency relating to school concurrency requirements in Miami-Dade County. As part of the foregoing effort, we attend and provide legal support during the District's weekly review of Miami-Dade County Plat Agenda for the possible impact of residential development on public schools, including ongoing representation relating to School Site and Educational Facilities Planning. In 2024, a total of 734 Tentative Plat applications were processed. During this period, the OGC attended and participated at weekly meetings held in compliance with school concurrency, including all meetings among District staff, local governments and developers to discuss acceptable mitigation options for residential developments not meeting the Level of Service required under the terms and conditions of the Interlocal Agreement for School Facility Planning in Miami-Dade County ("ILA").

The foregoing has resulted, during the period covered by this Report, in the negotiation of Public School Proportionate Share Mitigation Development Agreements pursuant to the ILA with total monetary proportionate share mitigation payment to the District of

approximately \$2,000,000. Our office also led negotiations relating to outstanding F-7 Covenants on sites which are in the process of being developed and which will result in substantial sums to be paid to the District in voluntary contributions. In 2024, a total of \$2,215,702 was collected from payments received for outstanding F-7 Covenants. Additionally, the OGC has continued to provide legal guidance in the negotiations relating to the renewal of the Interlocal Agreement relating to the subgrants from Miami-Dade County, in the sum of \$16,340,887 for Head Start and Early Head Start Programs operated by the School District, as well as the negotiations of the corresponding Lease Agreement for the portables used in this program. The OGC has also provided legal guidance in eminent domain matters including a Florida Department of Transportation taking of School Board property for its expansion of roads adjacent to the Medley Bus Transportation Center, located in Okeechobee Road.

As a result of the significant involvement of the OGC in these complicated real estate transactions, substantial savings were realized and the risk of liability for the Board was substantially reduced. The OGC continues to work diligently with Facilities, the Construction and Off-Site Department, Grants Administration, Early Childhood, Head Start and Early Head Start, Intergovernmental Relations, Procurement and other departments on multiple projects considered by the District for possible recommendation to the School Board.

### **Transportation**

The OGC continues to provide legal assistance to the District's Department of Transportation and its staff in a wide-ranging capacity. The OGC remains an active legal advisor and participant in the Accident Review Committee, which examines every accident involving the District and Miami-Dade Schools Police Department vehicles. Policy implications and statutory regulations continue to be reviewed by the office, in addition to weighing liabilities for real-time decisions that must be implemented by the Department. The OGC reviews and approves all contracts for the rental of District vehicles and all contracts for the transportation of special needs and homeless students. It has also vigorously defended multiple breach of contract claims brought both by and against the District. The OGC pursues recovery in any situation where a District vehicle was damaged as a result of third-party negligence. In addition, the OGC provides general liability and tort defense for this Department.

In 2024, the addition of exterior and interior recording devices on the District's bus fleet brought with it new legal and administrative challenges related to record retention, requests, and releases. The OGC has been an active part of establishing protocols for these recordings, depending on the contents and type of request. These efforts ensure that the District remains compliant with applicable laws while protecting student and staff privacy.

## **Office of Risk and Benefits Management and Gallagher Bassett Services**

The OGC provides extensive legal support to the Office of Risk and Benefits Management and to Gallagher Bassett Services, the District's third-party claims administrator. This includes legal analysis and recommendations required for administration of the District's self-insured general liability and workers' compensation programs. Furthermore, the OGC provided legal guidance for issuance of requests for proposals (RFPs) for various insurance products, the drafting of insurance and risk and safety contracts, and legal reviews to ensure compliance with applicable laws, regulations, and contractual obligations. The OGC also works with the Office of Risk and Benefits Management staff to process and maximize recovery of funds owed to the District in insurance fraud investigations and claims, property damage, motor vehicle accident claims and other covered claims. The OGC additionally provides legal support and analysis of subrogation claims made against at fault third parties for the purpose of obtaining reimbursement of payments made by the District's self-insurance health care plan.

The OGC also provides legal counsel to District staff and Gallagher Bassett Services in areas such as general liability, workers' compensation, personnel, employment discrimination, and insurance subrogation. The OGC further provides legal advice and recommendations on claims-handling strategies to reduce costs and prevent otherwise unnecessary litigation expenditures. OGC attorneys are immediately assigned to collaborate with Gallagher Bassett Services claim representatives on all pre-suit claims involving alleged civil rights violations, discrimination, sexual assaults, battery, fatalities, or other serious claims which could result in a significant financial impact to the District.

### **Contracts**

The OGC opened 1,607 new contracts from January 1, 2024, to December 31, 2024. This breaks down to approximately four (4) contracts per day or seven (7) contracts per business day, every business day of the last year. Each of these agreements is handled through the OGC intake process, assigned to an attorney, drafted, reviewed and/or revised, and eventually routed by District staff upon approval as to form and legal sufficiency. The OGC reviews over 10,894 documents from the inception of the agreement until full execution.

As always, the OGC continues updating the District's standard form agreements to incorporate the federal and state requirements of statutes, rules, and regulations. The District's standard form agreements, for example, now include additional terms covering force majeure situations. Software Agreement and Data Sharing Agreements, inclusive of all statutory terms, are also now created and uploaded in the Forms Management Bank for all District staff to reference and utilize. The OGC also works with the Office of Risk and Benefits Management to ensure all Data Sharing Agreements include not only our

standard indemnification, hold harmless, and duty to defend provisions, but also proof of Cyber Liability coverage. All revised forms are uploaded to the online Forms Management Bank.

Our office continues to assist District staff in ensuring that updated agreement forms are used to ensure that the School Board's Policies are adhered to and its interests are protected. Some of the significant agreements the OGC assisted District staff in negotiating include: (i) parking agreements for Miami Dolphin games and the Miami Grand Prix that utilize our schools, which has a direct monetary benefit to those locations; (ii) amendments to the Joint Use Agreement with North Bay Village establishing the redevelopment of Treasure Island Elementary School's outdoor areas, including new multipurpose fields and a new professional sized soccer pitch; (iii) an Adidas donation agreement benefitting District students with quality gear and apparel and providing funding for enhancement projects; (iv) an agreement for a new Student Information System; (v) agreements for after-school community enrichment programs; (vi) an agreement for a new instant messaging system; (vii) an agreement with AdobeSign; (viii) an agreement with Google; (ix) an agreement with Apple resulting in more advantageous terms for the District; (x) an agreement for SAP Human Resources/Payroll Maintenance and Support Services; (xi) agreements for continuous school nurses for all schools, including EMTs, paramedics, and firefighters; (xii) agreements for cloud disaster recovery; (xiii) apprenticeship participation agreements; (xiv) CareATC clinic service enhancement agreements; (xv) mental health assistance plan agreements; (xvi) dual enrollment and articulation agreements with universities and colleges now offering classes at multiple universities; (xvii) bilingual agreements with Spain, France, Portugal, Brazil, and Italy; (xviii) agreements for numerous programs with CareerSource; (xix) cooperating agreements with Miami-Dade County; (xx) a master agreement with the University of Miami offering additional opportunities and hands-on exposure to students; (xxi) continuous agreements for Future Bound Miami Consortium; (xxii) continuous agreements for a learning management system; (xxiii) a T-Mobile 10Million Grant agreement; (xxiv) numerous agreements with Verizon and Arizona State University Grants; (xxv) a continuous Alyssa's Alert agreement for schools; (xxvi) form software and enterprise agreements; and (xxvii) youth mental health awareness agreements. Additionally, all software integration agreements throughout the District are now memorialized with both Software Agreements and Data Sharing Agreements to protect the data and minimize the risk of exposure.

The OGC continues to review every contract for prom, homecoming, senior breakfast and graduation for all District high schools. The OGC also continues to draft and review contracts regarding filming locations and releases, television rights, sideline credentials, and trademark agreements, as well as contracts for travel for interscholastic tournaments for high school athletics.

The OGC continues to advise District staff and the School Board on the negotiation of management and facilities agreements with District-managed charter schools, interlocal agreements, school concurrency, professional services, construction, academics, information technology, intellectual property, and third-party service providers, including the drafting of agreements, performing reviews of titles and real estate closings and matters relating to procurement.

### **Miami-Dade Schools' Police Department**

In 2024, the OGC provided dedicated and comprehensive legal support to the Miami-Dade Schools Police Department (MDSPD) across a wide array of legal matters. Throughout the year, the OGC handled numerous legal issues on behalf of MDSPD, encompassing contract development and review, high-level legal analyses, and complex personnel matters. The OGC conducted a thorough review of all current School-Based Law Enforcement Officer (SBLEO) agreements, advised MDSPD on newly enacted statutory requirements, revised Board policies and District procedures, and consulted on matters pertaining to school safety and legal compliance. These new requirements included the substantial school building and classroom safety requirements of § 1006.07, Florida Statutes, which were immediately incorporated into School Board Policy and implemented across the District. Representatives of MDSPD and OGC also met and conducted a page-by-page review of MDSPD's Standard Operating Procedures.

These efforts ensure adherence to mandates established by the Office of Safe Schools, the Marjory Stoneman Douglas High School Public Safety Act, and the Florida Department of Law Enforcement. Furthermore, the OGC has offered ongoing legal guidance on MDSPD's collaborative initiatives with local and statewide governmental entities, with particular emphasis on mutual aid agreements and memoranda of understanding. These agreements serve as critical instruments in enhancing inter-agency cooperation and advancing the safety and security of Miami-Dade County residents.

## **HIGHLY EFFECTIVE TEACHERS, LEADERS & STAFF**

### **Personnel Matters & Employment Litigation**

During the 2024 calendar year, the OGC continued to provide extensive legal advice and representation to District staff regarding all employment matters including claims in federal, state and appellate courts, as well as employee disciplinary matters. During this time, the two (2) personnel and employment attorneys in the OGC handled fourteen (14) personnel matters litigated before the Division of Administrative Hearings (DOAH). In addition, the OGC defended eight (8) employment cases in state and federal court, from

pre-litigation defense through trials, dismissals, summary judgment, appeals, or settlement. In each case, the interests of the District have been vigorously defended. The case distribution was as follows:

<b>State and Federal Litigation</b>	<b>8</b>
<b>Appeals</b>	<b>4</b>
<b>DOAH</b>	<b>14</b>

During the same period, the OGC conducted extensive legal reviews for both the Office of Professional Standards (OPS) and the Office of Civil Rights Compliance (CRC), ensuring that District staff can be confident in making informed personnel decisions. The approximate numbers of reviews conducted were:

<b>OPS Legal Reviews</b>	<b>180</b>
<b>CRC Legal Reviews</b>	<b>22</b>
<b>ADA Legal Reviews</b>	<b>110</b>

### **The Americans with Disabilities Act and The Family and Medical Leave Act**

Throughout 2024, the OGC continued its active participation in the monthly Americans with Disabilities Act District Consultative Committee (ADA-DCC) meetings, providing essential guidance and support to staff in addressing employee accommodation requests related to disabilities. Over the course of the year, the OGC collaborated with the ADA-DCC to assist with more than one hundred such requests.

### **Office of Professional Standards**

In order to better meet the District's needs, the OGC participates in regularly scheduled Incident Review Team as well as Disciplinary Review Team meetings so it can provide timely legal advice and guidance to administrators and District staff with issues of potential legal exposure.

The OGC provided legal advice to OPS with its processing of fingerprint and criminal background screenings for applicants, including researching out-of-state criminal violations that impact Level 2 screening requirements. This OGC also assisted District staff in monitoring the implementation of a new background screening clearinghouse that all school districts would have to utilize by January 1, 2025. In addition, the OGC worked closely with the Office of Civil Rights Compliance regarding School Board policies and procedures for Title IX investigations, as well as reviewing whether such policies would need to be amended to incorporate federal Title IX regulations adopted in 2024.

An OGC attorney also conducts high-level reviews of investigations of certain cases by the investigative units and regularly meets with District staff about these pending

investigations as required by the Superintendent’s revised investigations procedures described in the February 18, 2019, memorandum regarding Enhancements to Employee Training Investigation Protocols and Measures to Enhance Student Safety.

**RELEVANT, RIGOROUS & INNOVATIVE ACADEMICS**

In 2024, the OGC continued to provide comprehensive legal representation and guidance on a wide range of student-related policies and procedures. The OGC played a key role in resolving disputes involving students with disabilities under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973. In addition, the OGC managed various complaints and litigation involving allegations of discrimination under Title VI and Title IX, student discipline, instructional materials, and other legal matters impacting students.

Since the last report to the Board, the OGC has supported District staff in addressing the following student-specific legal matters:

<b>DOAH CASES</b>	<b>180</b>
<b>PRE-LITIGATION MATTERS</b>	<b>68</b>

The OGC continued to collaborate with District personnel in responding to complaints filed with the U.S. Department of Education’s Office for Civil Rights (OCR) and the Florida Department of Education, including the negotiation and implementation of resolution agreements, when appropriate.

The OGC also assisted the Curriculum and Instruction team in reviewing and updating the Student Progression Plan. Ongoing legal support was provided to K-12 and Adult Education staff in implementing new legislation and updating Board policies to reflect significant legislative changes.

Throughout 2024, OGC attorneys worked closely with the Mental Health, Student Services, Exceptional Student Education (ESE), and School Operations departments to provide guidance on Threat Assessment and Mental Health Team procedures. The OGC played a critical role in supporting the District’s implementation of the Florida Harm Prevention and Threat Management Model, as mandated by State Board rule.

In addition, the OGC provided support to the District’s Federal & State Compliance Office (FASCO), Student Services Department, and school sites on a variety of student records and registration issues, including records requests, corrections, and complex cases involving homeless students and students receiving services from the Department of Children and Families or the Department of Juvenile Justice. Legal advice was also provided regarding magnet programs and other school choice initiatives, including the

new option of offering contracted services, including classes, to Florida Empowerment Scholarship and Florida Tax Credit Scholarship recipients. The OGC, in consultation with the Office of School Leadership and Performance, FASCO, the Innovation and School Choice department, and the Office of Educational Services & Exceptional Student Education (ESE), drafted tuition agreements that are now being used to offer these services, promoting school choice and generating revenue for the District.

On a daily basis, the OGC responds to a high volume of inquiries from Principals, Assistant Principals, Region staff, and District administrators regarding student and parent-related issues. OGC attorneys field hundreds of phone calls and written inquiries addressing topics such as child custody, student records, subpoenas, court orders, domestic violence injunctions, academic accountability, extracurricular participation, student discipline, school assignments, student rights, and special education services and accommodations. When necessary, the OGC also enters court appearances in these cases to explain District policy and protect the District's interests.

The OGC also supports the Office of School Leadership and Performance concerning student suspensions, expulsions, modifications of discipline, and assignments to specialized centers and adult programs. The OGC attends, participates and advises on the District Disciplinary Committee (DDC) concerning the Code of Student Conduct and Florida Statutes and Board Policies. Last year, the OGC provided legal support in the review of approximately 108 student discipline matters, and litigated 5 student discipline appeals that were filed with DOAH. The OGC also participated in the revisions for the Code of Student Conduct that resulted from legislative changes, as well as school board initiatives, such as regulating artificial intelligence and cellphone use.

### **Charter Schools**

The OGC continues to provide legal advice and support to the Office of Charter School Compliance and Support. The OGC also conducts and oversees reviews of charter school applications and contracts, contract negotiations, District charter management agreements, and many other legal matters relating to charter schools. The OGC serves as parliamentarian during charter school Application Review Committees, Contract Review Committees, and program reviews. The OGC continues to alter and modernize the M-DCPS standardized contract utilized by the District for initial charter school contracts and renewals in light of new case law and statutory changes.

**Charter contracts, renewals, 49  
amendments, consolidations, and  
performance-based agreements**

The OGC assisted staff involved in District charter management by providing legal advice and written opinions. Legal advice was also provided to Charter School Compliance and Support and School Operations on all facets of charter school compliance and contracts, charter school program reviews, and the processes required for additional Schools of Hope that have noticed intent to open in Miami-Dade County.

The OGC assisted, advised and structured the settlement process for the end of the litigation regarding the tax referendum proceeds, coordinating hundreds of settlement agreements to the charter schools and attaining an overall resolution to the matter.

### **SAFE, HEALTHY AND SUPPORTIVE LEARNING ENVIRONMENT**

For several years, the OGC has provided extremely competitive internship opportunities to high school students, college students and law students. This program provides practical working experience in a legal office and helps these students gain a better understanding and foundation of the legal field as a whole.

OGC continues to work with the law schools at the University of Miami, St. Thomas University, Florida International University and Nova Southeastern University offering internships, externships, and pro-bono opportunities. This partnership allows law students to work closely with practicing attorneys on a wide variety of legal matters while developing legal reading and writing skills in a practical setting.

Professional development and growth of interns are a priority for the OGC. The OGC internship programs have led to the development of several attorneys and legal professionals throughout the community. Several interns have left the program to work for local law firms, government agencies and the OGC.

The OGC has also supported mock trial teams for several public schools, and has hosted students on trips to the local courtrooms to meet judges, observe legal proceedings and learn trial techniques. The OGC is also in the process of organizing field trips for students to meet various local attorneys and public officials at the Elections Department, the Federal Bureau of Investigations, the State Attorney's Office, the Public Defender's Office and the United States Attorney's Office.

### **INFORMED, ENGAGED & EMPOWERED STAKEHOLDERS**

The OGC served as Parliamentarian and provided legal assistance to the School Health Advisory Committee (SHAC), Attendance Boundary Committee (ABC) during this year's attendance boundary change process, the Diversity Equity and Excellence Advisory Committee (DEEAC), the Ethics Advisory Committee, the Teacher Task Force, the

Contractor Prequalification Review Committee, the Goalsetting Committee, the 21<sup>st</sup> Century General Obligation Bond Committee, the Secure Our Future Advisory Committee, the SBE/MBE and M/WBE Advisory Committee, the Achievement Gap Oversight Committee, the Procurement Selection Committee, the Technology Advisory Committee, and other Board advisory committees.

The OGC provided multiple and varied trainings throughout the year to staff and collaborated with staff to update policies across almost every area of School Board operations. (See the highlights section of this Report for details.)

### **Referrals and Requests**

The OGC prides itself on its efficient relationship with school-site and District administrators. This interaction with staff comes in the form of referrals, public records requests, and school administrator referrals. School administrator referrals are often phone calls and emails to our office regarding various school operations and student matters. These inquiries range from student contact cards to legal guidance pertaining to issues such as subpoenas and court orders.

Since January 1, 2024, the OGC handled:

<b>Board Items</b>	<b>192</b>
<b>Board Member Referrals/Legal Reviews</b>	<b>144</b>
<b>Superintendent Referrals</b>	<b>59</b>
<b>Public Records Requests</b>	<b>81</b>
<b>Duty Call Entries</b>	<b>610</b>
<b>Creditor Rights/Garnishments</b>	<b>216</b>

### **Public Records Requests**

In addition to the nine (9) public records requests that the OGC individually responded to in 2024, the OGC has assisted with an additional seventy two (72) requests for documents. In addition, the OGC provided extensive legal assistance to the Office of Communications and Community Engagement related to compliance with more than 100 public records requests. The OGC is regularly consulted regarding exemptions, response times, and to review the scope of submitted requests. This approach ensures that responses are legally sound and consistent with federal and state laws. It also helps safeguard sensitive information while maintaining the District's commitment to public accountability.

## **Awards and Recognitions**

The General Counsel is the first Registered Parliamentarian (“R.P.”) to serve in the OGC, and currently the only R.P.s to serve as a school board attorney in the entire State of Florida. In 2024, the General Counsel also served as a specialist/expert in Education Law certified by the Florida Bar. The General Counsel, Deputy General Counsel Luis M. Garcia, and OGC attorneys Henry Suarez, Nathalie Remelus Blanford, and Jordan Madrigal were all appointed by the President of the Florida Bar to serve as members of the Florida Education Law Committee. The OGC has one of the longest serving legal advisors in the state, Luis M. Garcia, Deputy General Counsel. In addition, the General Counsel and several attorneys are recognized as statewide legal experts in their practices, and routinely provide input to attorneys across the state in the areas of Charter Schools, Student Rights, Instructional Materials, Business Operations, Student Discipline and Special Education. The OGC attorneys have also been recognized and made several presentations before the Florida School Board Attorneys Association and several other professional bar associations. Henry Suarez, Associate General Counsel, served on the Florida Bar Worker’s Compensation Rules Advisory Committee. Associate General Counsel Jeanette Edwards is a founding member of the Richard A. Sicking American Inn of Court. In addition, numerous attorneys in the OGC are licensed to practice in multiple state jurisdictions as well as before the Federal Bar. Several professionals in the OGC have received statewide recognitions and awards.

The General Counsel has an “AV Preeminent rating” (highest possible rating in both legal ability and ethical standards) by Martindale-Hubbell. He has also received several recognitions and awards since July 2011, including the South Florida Legal Guide’s Top Lawyers, Top Lawyers in Florida, the Super Lawyers, and The Legacy Legal Leader Award recognition. The General Counsel is an officer of the Florida School Board Attorney’s Association, and serves on its Executive Committee. The General Counsel has also recently received several awards and certificates for his contributions to the national, state and local legal communities.

The OGC continues to participate in various community activities, including pro-bono activities at District schools, such as the law student seminars at local law schools on legal topics, and the Bench and Bar Committee. The General Counsel has served on several committees to select United States Magistrate Judges in the Southern District of Florida and was appointed by Florida Governor Rick Scott and reappointed by Governor Ron DeSantis to the 11<sup>th</sup> Judicial Circuit Nominating Commission (JNC), a prestigious appointment to a committee that screens and recommends judicial candidates to the governor for appointment to the local bench. The General Counsel has also served as the Vice Chair and the Chair of the JNC. The General Counsel was also elected to the Board of Directors for the Florida School Board Attorneys’ Association.

In 2019, a group of Judges of Compensation Claims and Miami-Dade workers' compensation practitioners founded the Richard A. Sicking American Inn of Court under the auspices of the American Inns of Court, an organization driven by goals of professionalism and mentoring. After careful vetting, the Inn chose MDCPS partner *Take Stock in Children* as its chosen charity. The Inn, through TSIC and our MDCPS Office of Community Engagement volunteering screening, offers mentorship opportunities, bringing together workers' compensation attorneys, judges, and mediators with at-risk high school students attending Miami-Dade County public high schools. OGC attorney Jeanette Guerrero Edwards is a founding member of the Inn and is presently serving a two-year term as Secretary, and Executive Board member.

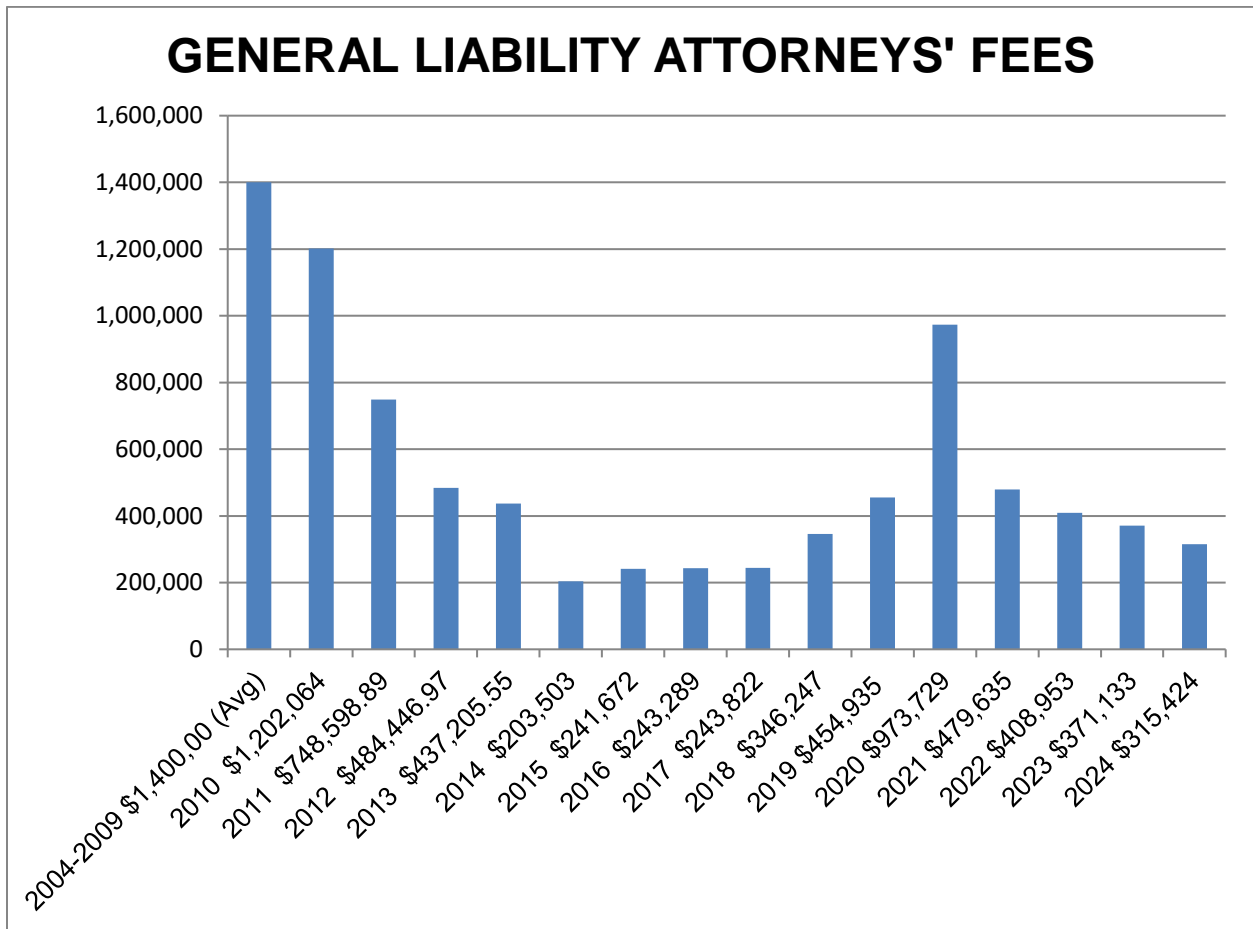
### **OFFICE COMPOSITION, FUTURE GOALS, COMPENSATION**

Pursuant to Policy 1130.02, Succession Management and in conformance with the OGC's Updated Succession Management Plan, which was approved by the Board at its June 23, 2021, Board meeting (Agenda Item G-1, Annual Report to the Board), the OGC continues its implementation of its succession management process which has provided for the identification and preparation of attorneys and professional staff to ensure critical position vacancies are filled as the need arises. The implementation of strategic succession management planning allows the OGC to merge the human capital functions of recruitment, leadership development, and professional development to meet future needs. In accordance with its succession management plan and in order to meet the daily legal needs of the Board, the OGC successfully filled two positions that became vacant in 2024 when two attorneys accepted positions with the Federal government.

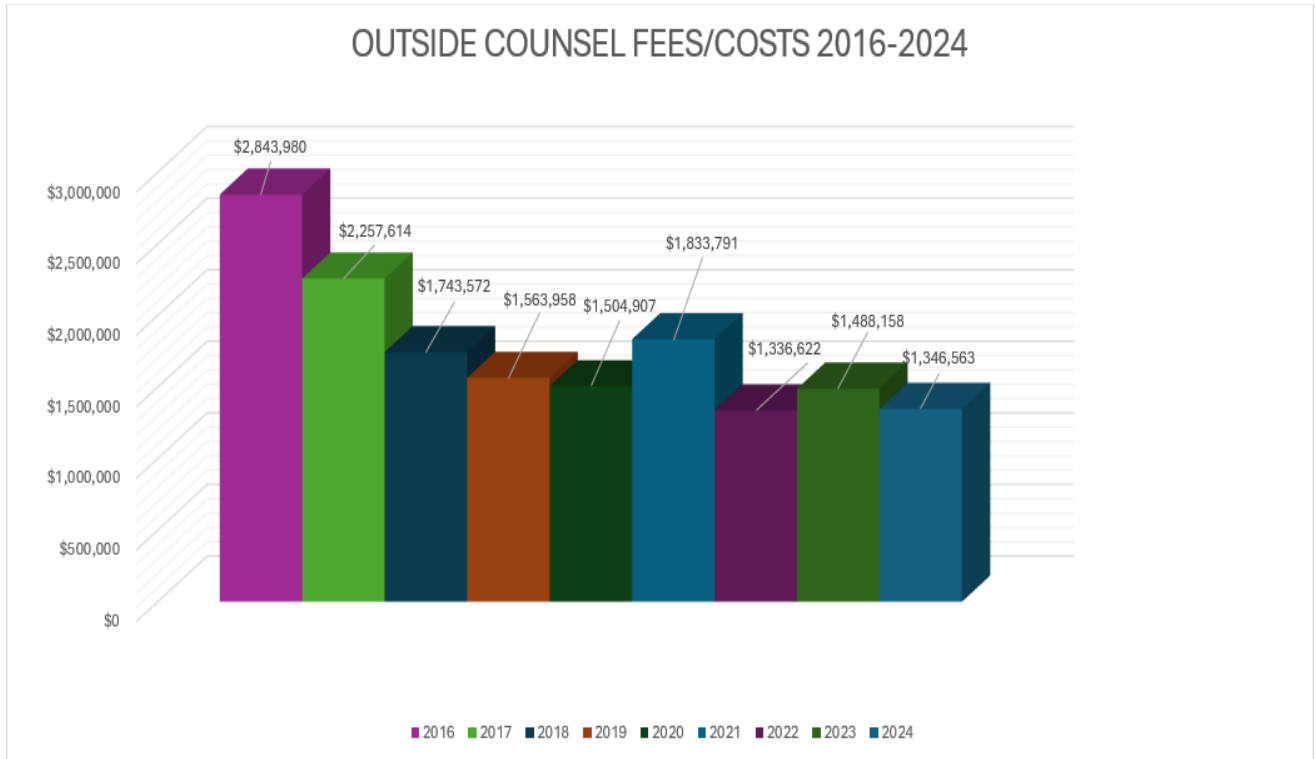
The District's legal work has been handled by the OGC in a competent and professional manner as evidenced by the high degree of success in litigation and other matters. With the support of the School Board, the organization of the OGC has had a dramatic impact, leading to financial savings and favorable outcomes for the District. The attorneys have been organized into practice areas with designated specialties. The General Counsel is very appreciative for the support the OGC receives from the School Board and District Administration.

See **Exhibit E**, *Organizational Chart*.

**EXHIBIT A**



## EXHIBIT B



**EXHIBIT C**

**TOTAL CONSTRUCTION-RELATED ATTORNEYS' FEE EXPENDITURES**

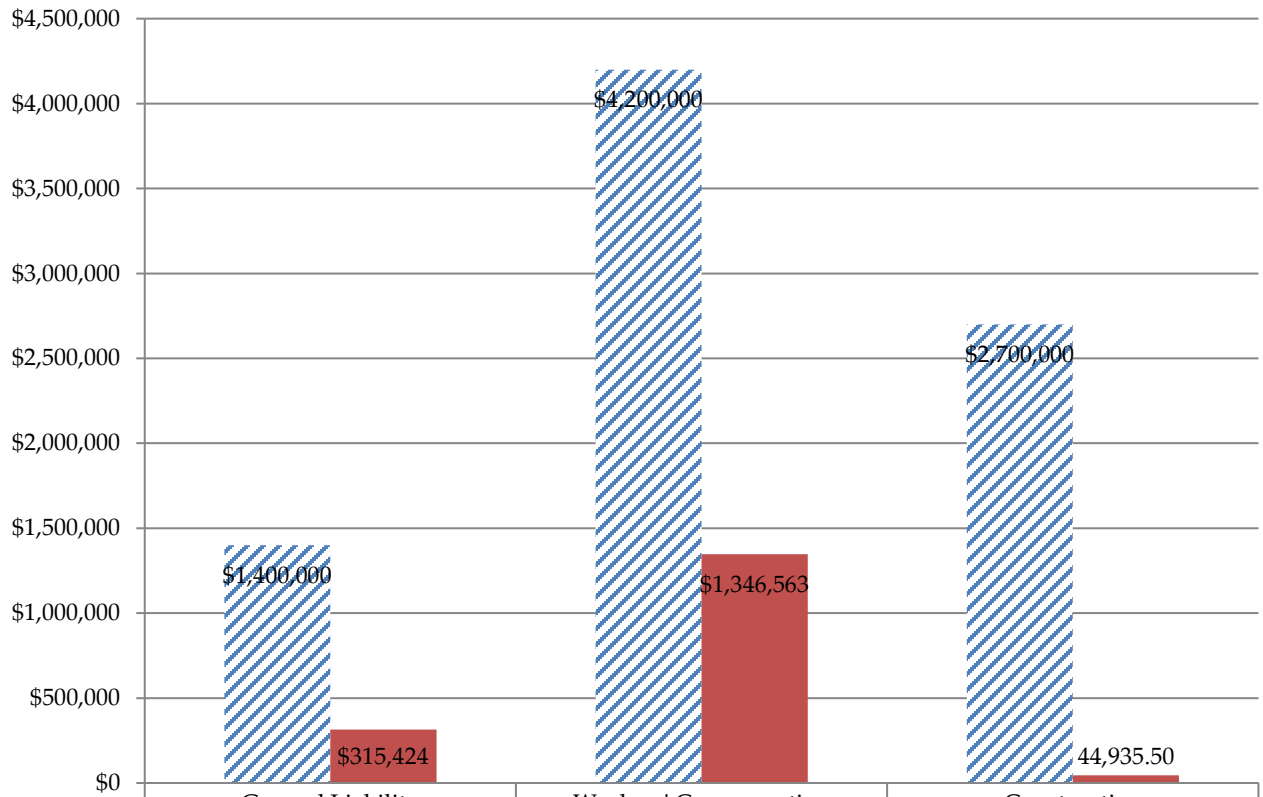
<b>FISCAL YEAR</b>	<b># CASES/ CLAIMS</b>	<b>TOTAL ATTORNEYS' FEE EXPENDITURES \$</b>
2004/2005	9	3,383,189.00
2005/2006	6	3,145,609.00
2006/2007	3	3,087,140.00
2007/2008	4	2,537,426.00
2008/2009	3	2,184,488.00
2009/2010	12	929,323.00
2010/2011	8	693,698.00
2011/2012	17	561,654.23
2012/2013	11	461,633.04
2013/2014	7	415,647.14
2014/2015	9	81,551.00
2015/2016	12	35,595.94
2016/2017	8	18,209.00
2017/2018	16	37,835.10
2018/2019	9	34,603.11
2019/2020	12	28,209.37
2020/2021	7	38,002.00
2021/2022	12	59,177.89
2022/2023	5	35,424.50
2023/2024	5	44,935.50

## EXHIBIT D

### ATTORNEYS' FEE COMPARISONS

Pre-2010 Average

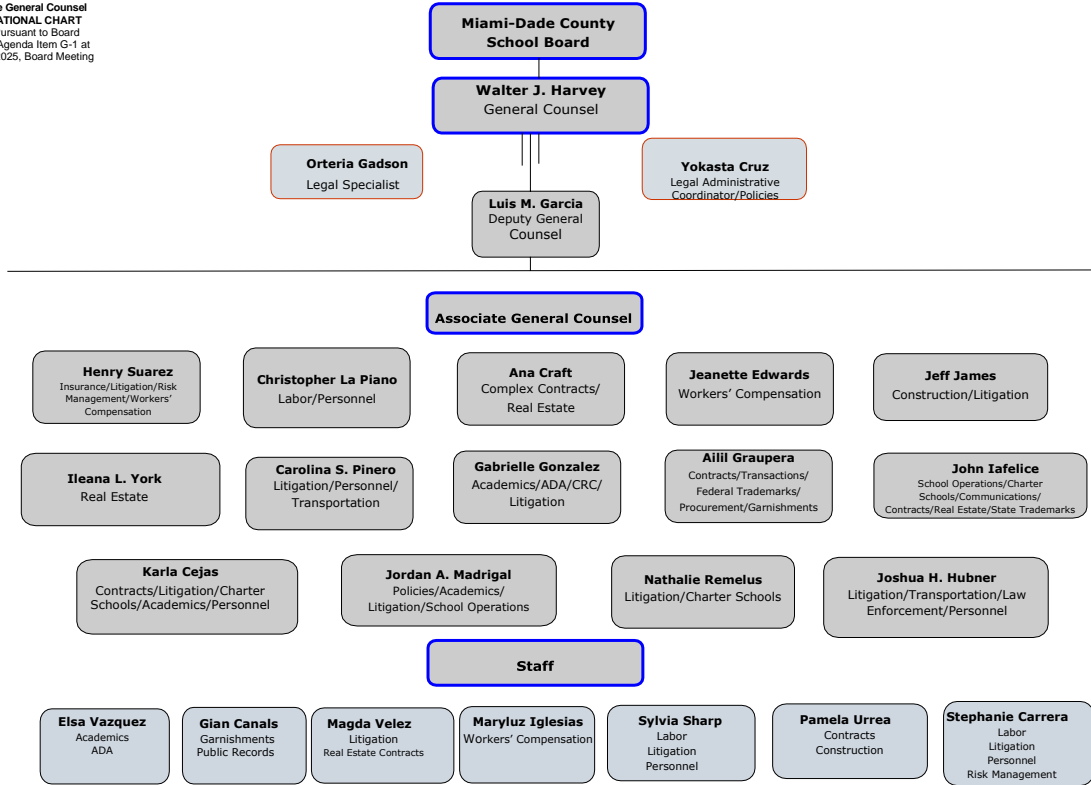
2024



	General Liability	Workers' Compensation	Construction
Pre-2010 Average	\$1,400,000	\$4,200,000	\$2,700,000
2024	\$315,424	\$1,346,563	44,935.50

# EXHIBIT E

Office of the General Counsel  
**ORGANIZATIONAL CHART**  
 Updated Pursuant to Board  
 Approval of Agenda Item G-1 at  
 the May 14, 2025, Board Meeting



**RECOMMENDED:**

That The School Board of Miami-Dade County, Florida:  
accept the 2024 Annual Report of the School Board  
General Counsel.