



**LEADERSHIP
ORANGE-
OCPS LEGAL
JHO PARODY
APRIL 2024**

SERVICES

The Office of Legal Services represents The School Board of Orange County, Florida.

We provide advice and legal counsel to the members of the School Board; the Superintendent, Executive Leadership, and other persons responsible for the management of academic and administrative units of the district.

The Office of Legal Services does NOT provide advice to families, individual members of the community, or employees on personal matters.

The Office of Legal Services provides a wide array of legal services, including, but not limited to, the following examples:

- Represents the School Board in commercial transactions, litigation, and agency proceedings;
- Advises the School Board and District officials regarding management of legal risks associated with personnel, student, commercial, and other matters;
- Provides counsel regarding the legal implications of policy and other administrative decisions;
 - Drafts and reviews contracts and other legal documents;
 - Assists with the formulation of policies and operating procedures;

**ADA
COMPLIANCE
TITLE IX
OFFICER
AND OFFICER
PARALEGALS**

INTERNAL AUDIT

In what areas does the Office of Legal Services provide legal guidance?

Policy Revision Process
Governmental Relations
School Board Relations (ensuring compliance with the Sunshine Law)
Litigation Management
Litigation (federal and state court, agencies, workers' compensation, general liability)
Employee and Human Resources Issues
FMLA
Employee Benefits and Retirement Services
Labor Relations (Bargaining)
Religious Issues
FHSAA and Athletics Issues
School Choice (Magnet Programs)
Charter Schools
Annual Financial Disclosure for Employees and School Board Members
Procurement – competitive solicitations and others
Bid Protests
Contracts / Agreements

Public Records

Subpoenas

Operations (Transportation, Food and Nutrition Services,
Environmental Services)

Whistleblower Claims (fraud, waste, corruption)

Fundraising, Marketing, and Revenue Generating Concerns

Lobbying / Ethics

Philanthropic Matters and OCPS Foundation Support

Legislative and Congressional Matters

Equal Employment Opportunity (EEO) Officer and Equity Officer

Discrimination Claims (EEOC, FCHR)

OCPS Administration Claims (General Counsel, Superintendent, and
Chief of Staff)

District Police

District Threat Management

Safety and Emergency Management

Legal Services Internship Program

Title IX Investigations and Appeals - Title IX Officer

ADA Accessibility and Compliance

Website Accessibility and Compliance

Building Code Accessibility and Compliance

ESE issues regarding charter schools, McKay scholarships, and ADA and

Section 504 issues (student portion)

Service Animals

IDEA issues: IEPs, state complaints, due process, testing, behavioral supports,

and some restraint and seclusion issues

Student discipline and threat management when it relates to students with disabilities

OCR (federal complaints) and other student-related complaints

LGBTQ+ issues

Workers' Compensation

Facilities and Facility Use Agreements

Construction

Real Estate and Land Use

FERPA

Student Enrollment / Rezoning

Student Custody / Parental Disputes

Student Discipline

Truancy

Workers' Compensation

Equity Compliance

ASL Program Compliance

DISCLAIMER:

ANY SIMILARITIES TO ANY SITUATIONS PROVIDED AS AN EXAMPLE IS MERELY A COINCIDENCE. NO ANIMALS WERE HARMED IN CREATING THIS PRESENTATION.

RULES:

YOU MAY USE ANY RESOURCES, INCLUDING ELECTRONIC RESOURCES TO PROVIDE YOUR QUESTIONS.

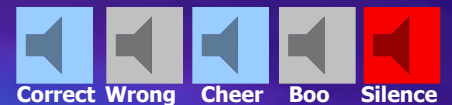
HERE ARE TODAY'S CATEGORIES

JEDPARODY



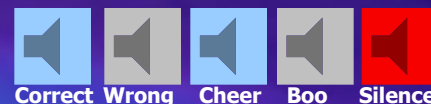
**I CAN SEE
CLEARLY NOW,
THE RAIN IS
GONE**

JEDPARODY



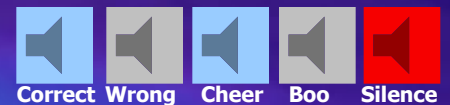
**TEXT
MESSAGES,
EMAILS, AND
NOTES, OH MY!**

JEOPARDY



RULES?!?!?
WE DON'T NEED
THEM, DO WE?

JEPARODY



IT'S ALL ABOUT THE KIDS

JEDPARODY



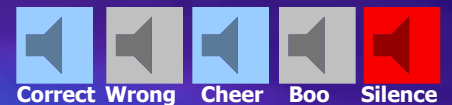
**I KNOW
SOMEONE WHO
CAN GET YOU
THAT
CONTRACT**

JEDPARODY



**HODGE
PODGE**

JEOPARDY



I CAN SEE
CLEARLY NOW
THE RAIN IS
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TEXT
MESSAGES,
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RULES?!?
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ABOUT THE
KIDS

I KNOW
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CONTRACT

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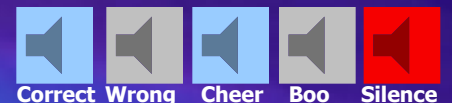
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FINAL JEOPARDY

JEOPARDY

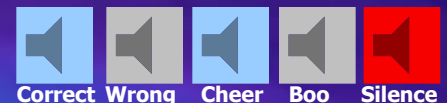


This law provides a right of access to governmental proceedings at both the state and local levels and generally applies to any gathering, whether formal or casual, of two (2) or more members of the same board, meeting to discuss some matter on which foreseeable action will be taken. (This law is also part of this State's nickname.)

Start Timer

GO TO
RESPONSE

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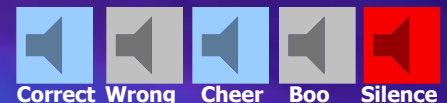


What is the Sunshine Law?

- **Applies to meetings of two (2) or more School Board members**
- **Required to be noticed (time, date, place of the meeting, and an agenda, if possible)**
- **Required to be open to the public and accessible**
- **Minutes are required to be taken**

The Office of Legal Services works closely with School Board Services to ensure compliance with the Sunshine Law. Check out the School Board website!

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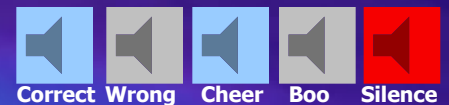


These meetings can be held virtually or in separate rooms during a time of an emergency; other times, an in-person quorum is required.



**GO TO
RESPONSE**

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What are local government agency meetings?

This includes meetings of:

- **The School Board and**
- **Advisory Committees**

(i.e. Audit Advisory Committee, SACs, Calendar Committee, OCPS K-12 Mental Health Commission, Medical Advisory Committee, Reapportionment Advisory Committee, etc.)

The Office of Legal Services works closely with staff who facilitates the various Advisory Committees.

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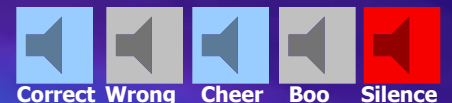


This type of correspondence could violate the Sunshine Law, so be careful and avoid the dreaded “reply to all” and your posts on social media.

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RESPONSE

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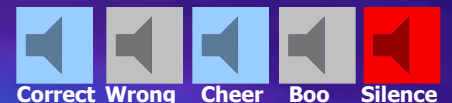
What are emails/written/electronic correspondence?

Any written correspondence may potentially violate the Sunshine Law which includes the following: emails, letters, notes on napkins, texts, instant messages, social media exchanges, carrier pigeon notices, and messages sent by pony express.

Verbal communication is also subject to the Sunshine Law.

Essentially, if the communication pertains to an item which might foreseeably be voted upon by the School Board, the communication is subject to the Sunshine Law requirements and must be discussed in an open, public, advertised meeting, absent an exemption.

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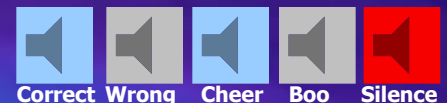


These boards or committees established by public agencies are subject to the Sunshine Law, even though their recommendations are not binding upon the entities that create them.

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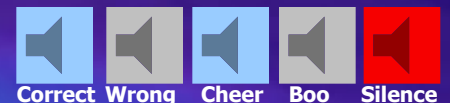


What are advisory boards or advisory committees?

EXAMPLES AT OCPS:

Audit Advisory Committee, SACs, Calendar Committee, OCPS K-12 Mental Health Commission, Medical Advisory Committee, Superintendent Search Advisory Committee, Reapportionment Advisory Committee

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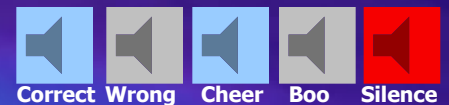


You wish to discuss a recent vote with your fellow School Board member to better understand their position on another similar item that will be coming to the School Board for approval. You can do so if this is done.



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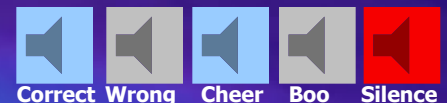
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What is ensure that the meeting is advertised and open to the public?

There is no requirement that a quorum be present for a meeting of members of a public board, commission, or committee to be subject to Section 286.011, Florida Statutes. Instead, the law is applicable to any gathering, whether formal or casual, of two (2) or more members of the same board, commission, or committee to discuss some matter on which foreseeable action will be taken by the public board, commission, or committee. Note that minutes will be taken as well and maintained as part of the public record.

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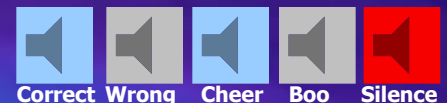


**The definition of these includes:
“all documents, papers, letters, maps,
books, tapes, photographs, films,
sound recordings, data processing
software, or other material, regardless of
the physical form, characteristics, or
means of transmission, made or received
pursuant to law or ordinance or in
connection with the transaction of
official business by any agency.”**

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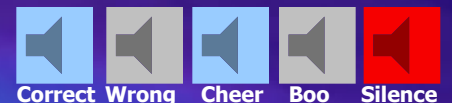
JEOPARDY



What are “public records”?

See Section 119.011(12),
Florida Statutes

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“LOL! Can you believe he just said that during a public meeting?”

AND

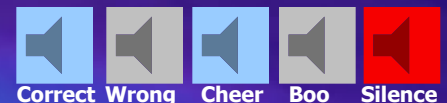
“OMG! I am not voting for that! How are you going to vote?”

are these types of messages that are also subject to a request for public records.

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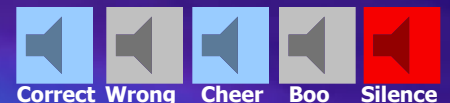
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**What are instant messages,
text messages, FaceBook
messages, X messages, or
messages on any other
social media platform?**

**The Office of Legal Services provides legal advice to
the Records Management Department to ensure
compliance with Chapter 119, Florida Statutes, the
Public Records Law.**

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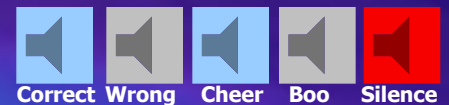


This is the action that is required upon receiving a public records request.



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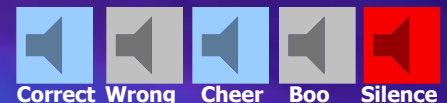


What is acknowledge that a request has been made?

A public agency may not require a form to be filled out, may not insist that the requestor identify himself/herself, may not ask why these are being sought.

In responding to a request for public records, an agency is required to provide documents responsive to the request, but is not required to fill out a forms and is not required to create a report from the data you have or to create a document that is responsive.

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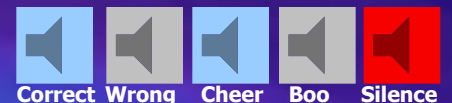


This is the timeframe in which an agency has to provide any documents responsive to a request for public records.

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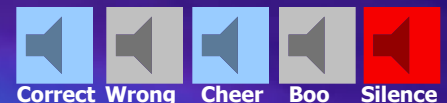


What is a “reasonable” amount of time?

The Office of Legal Services provides legal advice with respect to the thousands of requests for public records received by OCPS on an annual basis. “Reasonable” depends on the nature of the request.

EXAMPLE: It’s 3:30 p.m. A reporter has asked for a specific number of reports made to the agency of sightings of Elvis over the past 10 years for the reporter’s 4:00 p.m. press deadline. An agency does not have to provide the records responsive to meet the deadline; but, the agency can if it wants to.

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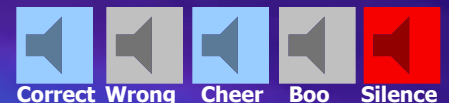
The Office of Legal Services provides legal advice to OCPS District Police, a sworn law enforcement agency. Disclosing any information held by a law enforcement agency, school district, or charter school which would identify whether a particular individual has been appointed to this position is not permitted under Section 1006.12, Florida Statutes.

(*HINT: Think Marjory Stoneman Douglas tragedy and the subsequent requirements for campus safety.)



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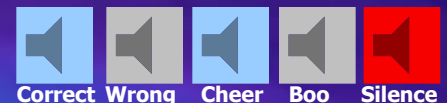


What is the identity of a safe-school officer?

This includes SROs, School Safety Officers, School Guardians, School Security Guards under Section 1006.12, Florida Statutes.

EXAMPLE: A member of the community asks for the list of which SROs are assigned to each school. The district is not permitted to disclose such a list, nor is a law enforcement agency.

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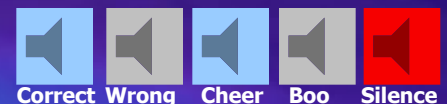


School boards must establish policies establishing standards of this for instructional personnel, administrative personnel, and school officers, including training on the standards.

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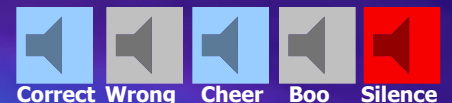
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What are standards of conduct?

***NOTE:** There is an absolute duty to report alleged misconduct that affects the health, safety, or welfare of a student.

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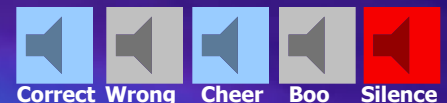


**This is defined in Board Policy KCE as
“communicating or the act of
communicating directly or indirectly with
either the Superintendent, any Board
Member, any Procurement Official or any
Staff Member with Contracting Authority,
for the purpose of or seeking to encourage
the approval, disapproval, adoption, repeal,
rescission, passage, defeat or modification
of any policy, resolution, agreement,
procedure, bid, procurement contract,
recommendation, decision or other
foreseeable action of the School Board.”**

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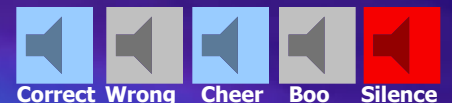


What is “Lobbying”?

School Board Policy KCE is titled *Ethics and Lobbying* and is a robust policy filled with expectations of School Board members and OCPS employees.

An attorney with the Office of Legal Services is the District’s Ethics Compliance Officer.

JEDPARODY

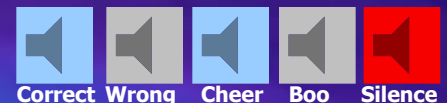


**You are a School Board member
and you have been childhood
friends with the president of a
local construction firm for years.
This firm happens to be bidding
on a current project. You go to
lunch with your childhood friend.
Your childhood friend
should *not* do this.**

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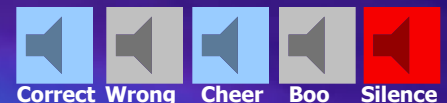
Either of these answers is correct:

What is your childhood friend should not PAY for your meal?

What is AVOID discussing the pending solicitation and instead refer them to procurement staff with any questions they may have?

The Ethics Compliance Officer is available to answer hypotheticals and to provide legal guidance to ensure compliance with the Ethics and Lobbying Policy.

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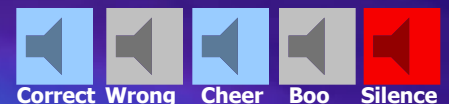


Just like the Board of County Commissioners adopts “ordinances” that serve as the “rules” for Orange County, the School Board adopts these, which serve as the “rules” for OCPS.



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RESPONSE**

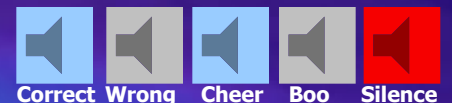
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What are policies?

- **All Board Policies can be found on the OCPS website, under School Board and then “Board Policies.”**
- **The rule-making procedures set forth in Chapter 120, Florida Statutes, govern the policy adoption process for the School Board.**
- **While the School Board adopts policies and governs the District, the Superintendent is statutorily responsible for the management of the District.**

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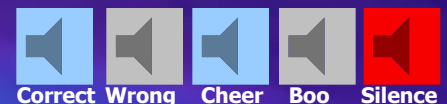
Daily Double

The Office of Legal Services facilitates the policy revision process. A staff-based Policy Revision Team reviews the current language, reviews the statutory requirements (including new legislation), and makes proposed revisions for consideration by the School Board. Staff meets with the School Board at a work session to obtain guidance from the School Board on the proposed revisions to each policy, which are posted on the District website. Then, each policy is scheduled for one of these, followed by one of these.

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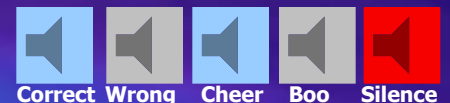
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What is a Rule Development Workshop and then a School Board Meeting?

During both of these meetings, the public has the opportunity to and is encouraged to provide public comment in accordance with Section 286.0114, Florida Statutes.

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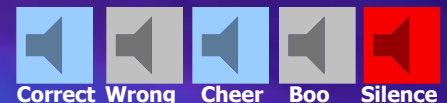


Education records, also known as student records, are confidential and exempt from disclosure to the public under the Family Educational Rights and Privacy Act, a Federal law that protects the privacy of student education records, which is also known by this acronym.

Start Timer

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What is FERPA?

- **FERPA gives parents/legal guardians and eligible students (those over 18) certain rights with respect to the education records.**
- **Parents/legal guardians or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents/legal guardians or eligible students to review the records. Schools may charge a fee for copies.**

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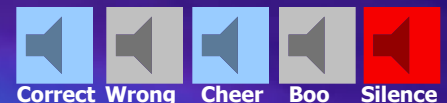


If a person has been convicted of a felony offense prohibited under Section 800.101, Florida Statutes, relating to an offense against students by authority figures, that individual is ineligible for educator certification or employment in any position that requires this.

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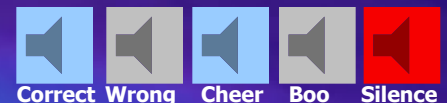
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What is a position that has direct contact with students?

- The district has robust background check requirements for our employees and volunteers.
- ALL charges and criminal history are required to be disclosed and are a part of the background check process. This includes sealed and expunged records.

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Students with disabilities have legal rights under the Individuals with Disabilities in Education Act (IDEA), as well as a separate law known as Section 504 and the Americans with Disabilities Act (ADA). IDEA sets out the requirement for a legal document for children who have disabilities that affect the learning process. This Individualized Education Program is meant to provide a child with a free and appropriate public education (FAPE) and often contains a section which covers the health needs of a child. The Individualized Education Program is more commonly referred to as this acronym.

Progress bar with 10 red segments. The 5th segment from the left contains the text "Start Timer".

GO TO RESPONSE

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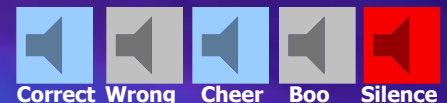
Five square buttons for audio feedback: "Correct" (blue speaker icon), "Wrong" (grey speaker icon), "Cheer" (blue speaker icon), "Boo" (grey speaker icon), and "Silence" (red speaker icon).

What is an IEP?

The IEP written plan will describe a special needs child's current performance in school, the annual goals to meet the child's special needs, a determination of what services may be necessary to give the child an appropriate education, services for transitioning into adulthood for children that are 16 or over, and due process to get any dispute parents/legal guardians have with the school district resolved with the help of a neutral third party.

Most IEP Team meetings are conducted by school staff; however, when the parent/legal guardian has filed due process and/or when the parent/legal guardian has hired an attorney, the Office of Legal Services provides legal advice to staff and represents the District in the due process case.

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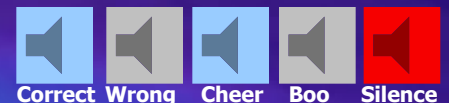
Parents do not always agree on educational aspects or custody arrangements for their children.

This Board Policy is titled *Parental Rights and Responsibilities* and sets forth the School Board's “rules” when it comes to these areas.



**GO TO
RESPONSE**

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What is Board Policy EBBA?

- **If there are court orders affecting the custody of a student, it is the responsibility of the parents/legal guardians to provide a complete certified copy of the court order signed by the presiding Judge to their child's school.**
- **While OCPS will accept and review court documentation relating to the custody of a student, the School Board and OCPS will remain neutral in all custody matters.**
- **Parents/legal guardians are not to use the school to obtain additional timesharing with their children.**
- **An attorney with the Office of Legal Services is assigned to assist schools with custody issues. This same attorney prosecutes the District's truancy cases.**

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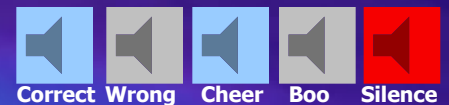


**True or False –
Social Security Numbers,
Driver’s License Numbers,
and Student Identification
Numbers are exempt from
public disclosure.**



**GO TO
RESPONSE**

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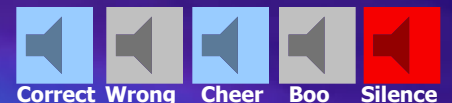


What is this – a trick question?

Yes.

- Social security numbers are confidential and exempt and need to be redacted when responding to requests for public records.
- Driver's license numbers are not exempt from public records disclosure and may be provided.
- Student identification numbers are education records and they are confidential and exempt from public disclosure.

JEDPARODY

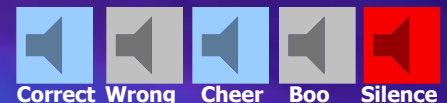


**As a School Board member
or as an employee of a
public agency, if you “own”
a business, you can ONLY
provide commodities and
contractual services to
your agency in this
specific instance.**

Start Timer

GO TO
RESPONSE

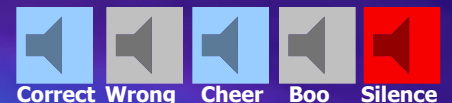
JEDPARODY



What is in a true sealed competitive bidding to the lowest or best bidder situation (ITB)?

***NOTE: RFPs, ITNs, and similar procurement mechanisms do not entitle one to the protections of the exemption. Other exemptions also exist.**

JEDPARODY

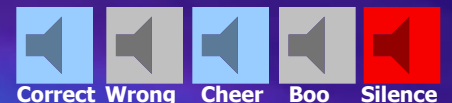


In addition to Board policies, these impose requirements on all educators in the State of Florida with respect to ethics and professional principles.

Start Timer

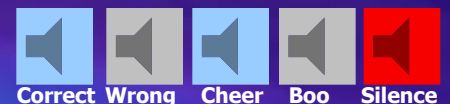
GO TO
RESPONSE

JEDPARODY



What are the *Code of Ethics for the Education Profession* and the *Principles of Professional Conduct for the Education Profession*?

JEDPARODY



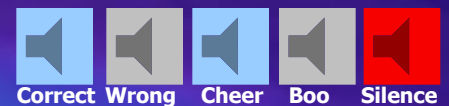
An attorney from the Office of Legal Services drafts and/or reviews all agreements with OCPS vendors for legal sufficiency and prosecutes bid protests on behalf of the District.

You can find all of the District's agreements on the District's website under this heading.



GO TO RESPONSE

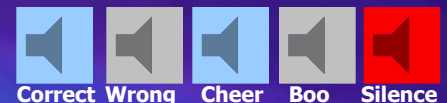
JEDPARODY



What is the Procurement Services website?

- **Procurement Services is responsible for the procurement of all goods and services including supplies, technology, software programs, furniture, fixtures and equipment (FF&E), and many other products and services.**
- **The Office of Business Opportunity (OBO) encourages the participation of veteran, minority and women owned businesses, and local/developing businesses in providing goods and services to OCPS.**
- **The Material Management Office provides services that benefit the district including Printing Services, Mail and Courier Services, Records and Forms Management, and Surplus Operations.**

JEPARODY

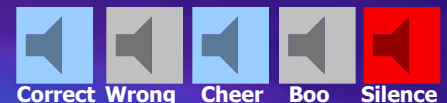


I want to rent out a school auditorium for a dance recital. I know I need to enter into a Facility Use Agreement, providing proof of insurance, and pay the appropriate fee. I can find out more information by visiting this department's website.

Start Timer

GO TO
RESPONSE

JEDPARODY



What is Facilities?

- **OCPS has an online facility rental request system. Using the Facilitron system, reservation requests can be easily submitted online. Facility users are able to access photos and descriptions of facilities, review availability, obtain estimated quotes, and pay rental invoices online.**
- **Facilitron will collect and verify proof of insurance and will collect payment for facility rentals. Facility users will be able to submit payment using a major credit card, ACH/eCheck, Paypal, or by check.**
- **While visiting the Facilities page, you can also learn about Facilities and Construction Contracting and the procurement of services related to new construction, remodeling, and other professional services and term construction contract services.**
- **The Office of Legal Services provides legal advice to Facilities and this attorney also serves as the Planning and Real Estate Development Director.**

JEPARODY



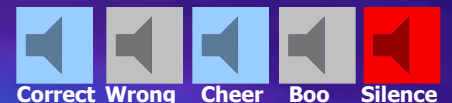
The Education Amendments Act of 1972, a federal law, states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

On May 6, 2020, the U.S. Department of Education issued new regulations, under this title (I need a number), which require school administrators to more formally investigate claims and share the evidence with accused students and their parents/legal guardians. These processes are changing this summer.

Start Timer

GO TO
RESPONSE

JEDPARODY



What is Title IX?

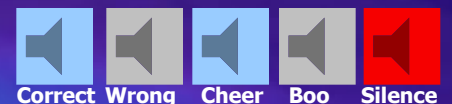
In 2020, districts were required to establish training and procedures for the following individuals to follow: School-Based Representatives, Investigators, Decision-Makers, Appeal Decision-Makers, Advisors, and Advocates. When the new regulations are issued, this complex federal process will again cause the following reactions of our school-based staff:

<https://www.youtube.com/watch?v=R8vvzZCdeXU>

https://www.youtube.com/watch?v=1IWQ_wScAlg

***Bonus \$100 if you name the District's Title IX Officer.**

JEDPARODY



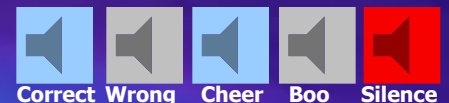
The Office of Legal Services provides legal advice to the Human Resources Department related to the hiring and firing of employees and discipline stemming from employee misconduct.

When an employee has resigned in lieu of termination based on misconduct that affected the health, safety, or welfare of a student, the School Board may NOT enter into one of these types of agreements regarding the termination or dismissal.



**GO TO
RESPONSE**

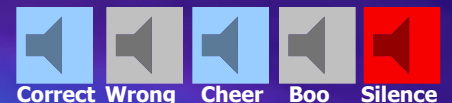
JEDPARODY



What is a confidentiality agreement regarding terminated or dismissed instructional or administrative personnel or employee?

***NOTE:** The District is required to report any legally sufficient complaint to the FL DOE within 30 days after the date on which the subject matter of the complaint comes to the attention of the school district, regardless of the status of the complaint.

JEOPARDY

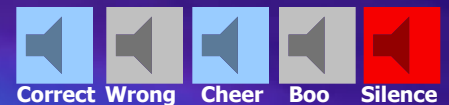


Employee claims of a hostile work environment are investigated by the District's Equity Officer, who is an attorney with the Office of Legal Services. The laws related to a hostile work environment claim are enforced by this federal agency.



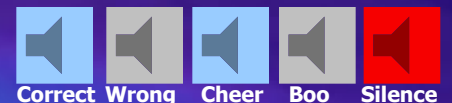
**GO TO
RESPONSE**

JEDPARODY



**What is the
U.S. Equal Employment
Opportunity Commission
or EEOC?**

JEPARODY

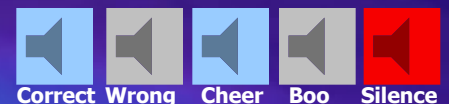


You may meet with your School Board, the Superintendent, and your attorney in this type of session ONLY if there is pending litigation to which the entity is presently a party before a court or administrative agency and you are discussing settlement negotiations or strategy sessions related to litigation expenditures.



**GO TO
RESPONSE**

JEDPARODY

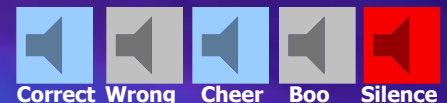


What is an executive session?

See Section 286.011(8), Florida Statutes.

***Remember that the entire session shall be recorded by a certified court reporter. No portion of the session shall be off the record. The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The transcript of the executive session becomes a public record upon the conclusion of the litigation. The Office of Legal Services facilitates these executive sessions and either represents the District in the litigation and/or works with outside counsel to represent the District.**

JEDPARODY

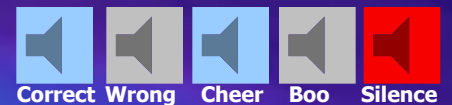


If these have not been shared with anyone else and are designed for one's own personal use, they do not have to be provided in response to a request for public records.



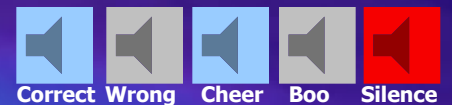
**GO TO
RESPONSE**

JEDPARODY



**What are drafts
or
personal notes?**

JEDPARODY



The School Board may meet in one of these to discuss security system and fire-safety system plans and/or to discuss bargaining. The public is not allowed to attend.



**GO TO
RESPONSE**

JEDPARODY



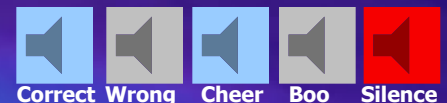
What is a closed session?

Closed sessions are also held to discuss bargaining issues. Closed sessions are not open to the public, are not noticed, and no minutes are taken.

***NOTE: Campus and bus videos are not a public record and are only released pursuant to a lawfully issued subpoena.**

The Office of Legal Services provides legal advice to the OCPS District Police, Safety and Emergency Management, and Human Resources/Labor Relations.

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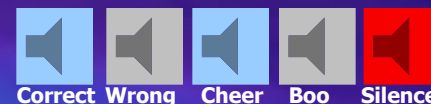
FINAL JEOPARODY

CATEGORY -

CONSTITUTIONAL

OFFICERS

JEOPARODY

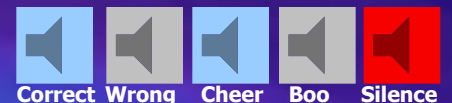


These local officers are
elected every four (4) years
and are considered elected
county constitutional
officers.

Start Timer

GO TO
PROMPT
(RESPONS
E)

JEDPARODY



What are the

- **elected-school superintendent,**
- **school board members,**
- **sheriff,**
- **supervisor of elections,**
- **tax collector,**
- **clerk of court,**
- **property appraiser, and**
- **county commissioners?**

JEDPARODY

