



Seattle Public Schools



Photos by Susie Fitzhugh

Oversight Work Session:
Office of General Counsel
June 24, 2015

Agenda

General Counsel's Office

- Department Function
- Vision and Mission
- Organizational Chart
- Key Clients and Departments
- Substantive Legal Advice Areas
- Budget
 - Major Outside Services Contracts
 - Current Litigation and Other Contested Matters
 - Closed Litigation and Other Contested Matters
- Key Performance Indicators (KPIs)
- Major Department Initiatives
- Major Initiatives (Legal Support)
- Key Information Technology Systems
- Key Internal Controls
- S.W.O.T. Analysis
- Looking Forward/Next Steps

Department Function

The main function of the General Counsel's Office is to provide legal services to the Board, Superintendent, central office departments, and schools.

In a few instances, the General Counsel's Office provides administrative support to the District. For example, Student Section 504 and the Public Records Officer functions reside in the General Counsel's Office.

Vision and Mission

- Vision: Providing tools and removing obstacles so that students and staff realize their full potential.
- Mission: The Office of General Counsel provides, manages, and coordinates all legal services for Seattle Public Schools in a collegial, positive, and professional manner. We are committed to rendering high quality and responsive services to support Seattle Public Schools' mission.

Organizational Chart

Acting General Counsel
John Cerqui
Attorney for 24 years,
18 yrs with SPS

Assist. G.C.
Ronald Boy
8 yrs, 2 with SPS
(Student
Issues/Discipline)

Sr. Assist. G.C.
Andrea Schiers
8 yrs, 3 with SPS
(SPED, Student
Issues)

Assist. G.C.
Nazik Youssef
8 yrs, 1 with SPS
(Employment, Labor,
SPED)

Public Records
Officer/Paralegal
Laurel Ferguson
1 yr. with SPS

Paralegal
Amy Carter
14 yrs with SPS
(SPED)

Public Records
Officer/Paralegal
Natasha Walicki
1 mo. with SPS

Admin. Support
Lorraine Lee
3 yrs. with SPS
(Public Records)

Student
504/Paralegal
Carole Rusimovic
16 yrs. with SPS

Office
Manager
Robin Wyman
21 yrs. with
SPS

Key Clients/Departments

- School Board
- Superintendent
- Assistant Superintendents
- Executive Directors of Schools
- School Administrators
- Human Resources
- Special Education
- Technology
- Capital and Facilities
- Finance and Accounting
- Enrollment

Substantive Legal Advice Areas

- Construction
- Contract Review
- District Policies and Procedures
- Drafting MOUs
- Labor and Employment
- No Trespass Restriction Letters
- Open Public Meetings Act
- Public Disclosure Commission
- Public Records Act
- RCW Title 28A
- Real Property
- Review Court Orders/Documents (e.g., parenting plans)
- Safety and Security
- Software Licenses
- Special Education
- Student Assignment
- Student Athletics
- Student Constitutional Issues
- Student Discipline Hearings
- Student Records (FERPA)
- Student Searches
- Student Section 504
- Student, Staff, and Public Accommodations

Budget Overview - 2015-16

(\$4,889,111)

<u>Category</u>	<u>Amount</u>	<u>Comment</u>
General Counsel Office Costs (Printing, supplies, postage, registration/ dues, mileage reimbursement)	\$ 51,554	
Department Staffing (10.6 FTE)	\$1,272,716	Five lawyers, five full-time support staff and one .6 FTE .25 Admin/.35 GC (paid out of Capital) (\$102,222)
Judgements/Settlements	\$ 770,000	Examples: personal injury, employment, special education claims, lawsuits
Legal Contracts	\$1,850,000	Examples: lawsuits, administrative hearings, employment hearings, unanticipated special education costs
Property Loss	\$ 17,952	Property loss under CBA provisions (SEA, PASS, 609)

Budget Overview - 2015-16

(Continued)

Section 504 Staffing (7.8 FTE) (does not include 504 Coordinator)	\$691,599	Nurses, interpreters and audiologists
Section 504 Certified Wrk/Shop	\$ 10,635	Substitutes/extra time
Section 504 Supplies	\$ 50,000	Assistive devices or software; special equipment
Section 504 – Travel Reimbursement	\$ 600	
Section 504 Contractual Services	\$161,200	ASL Interpreters; Real-time captioning; tutoring.
Special Education Cert. and class Wrk/Shop Extra-Time	\$ 12,855	

Major Outside Service Contracts 2014-15

• Calfo Harrigan	\$35,000
• Curran Law Firm (Special Education)	\$245,000
• Dunlap & Soderland (Lawsuits)	\$85,000
• Freimund Jackson Tardif (Employment)	\$140,000
• Freimund Jackson Tardif (General)	\$50,000
• Freimund Jackson Tardif (Lawsuits)	\$300,000
• Half, Robert (Data Breach)	\$32,000
• Kaiser, Richard	\$20,000
• Karr Tuttle Campbell (Employment)	\$50,000
• Karr Tuttle Campbell (Lawsuits)	\$90,000
• Keating Bucklin (Lawsuits)	\$50,000
• Kenyon Disend	\$20,000
• Patterson Buchanan (Lawsuits)	\$200,000
• Perkins Coie	\$20,000
• Porter Foster Rorick	\$50,000
• Preg O'Donnell & Gillette (Employment)	\$120,000
• Yarmuth Wilsdon (Employment)	<u>\$50,000</u>
Total	\$1,557,000

*Actual Attorney Fees 13-14 (\$1,549,250) and 12-13 (\$908,263)

**SEPA, limited construction, and KNHC Radio legal fees paid out of separate budgets.

Current Litigation and Other Contested Matters

- Administrative Appeals Under RCW 28A.645: 0
- PERC Hearings: 3
- Employment:
 - Administrative Appeals: 2
 - Arbitrations: 1
 - Claims: 5
 - Lawsuits: 7
- Special Education Due Process Hearings: 7
- Other Lawsuits: 7
- Tort Claims: 39
- Capital Claims: 2

Closed Litigation and Other Contested Matters - 2014-15

- Administrative Appeals Under RCW 28A.645: 0
- PERC Hearings: 3
- Employment
 - Administrative Appeals: 3
 - Arbitrations: 1
 - Claims: 2 (\$700,000 settlement)
 - Lawsuits: 5 (\$240,000 settlement)
- Special Education Due Process Hearings: 10
- Other Lawsuits: 5 (\$249,999 settlement)
- Tort Claims: 25 (closed 20 with no payment)
- Capital Projects: 0

Key Performance Indicators (KPIs)

- The Council of Great City Schools does not have KPI requirements for Legal Departments.
- Department's role is primarily support and advisory.
- A performance indicator is: Are we a trusted and sought out advisor for issues that come before District staff? We want to address the immediate question and identify opportunities for system improvements.

Major Department Initiatives

- Title IX Policy and Procedure Review (Human Resources)
- Temporary Staffing Services Contract Review and Redesign (Finance)

Major Initiatives

(Legal Support)

General Counsel's Office is listed as supporting 48 of 214 projects (preliminary project list as of 6/10/15).

Examples:

- Improve contracting and accounts payable process;
- OCR review and reduction of discipline;
- Preparing for and supporting SEA CBA negotiations;
- Data governance and electronic document storage;
- and
- Enhance orientation for new employees.

Key Information Technology Systems

(What are the key/major information technology systems necessary for the department to function?)

System	Function
Microsoft Outlook and Word	Receiving and Communicating Advice
Westlaw	Legal Research
Barracuda	E-mail Searches (PRA)
Adobe	Turns searched emails into PDFs
PowerSchool	Student Records (Subpoenas, legal requests)
E-File	Court Filings
ECR-Online	Superior Court Records

Key Internal/External Controls

Internal

- Monthly update Superintendent/School Board
- Practice Handbooks
- Case Overview Budgets

External

- SAO Annual Letter
- WSRMP Claims Review
- Second Opinions/Litigation Management

S.W.O.T. Analysis

Strengths (S)	<ul style="list-style-type: none">• Dedicated, experienced, and qualified lawyers and support staff• Developed areas of expertise and staff relationships over many years to issue spot and address client concerns• Member of the Superintendent’s Leadership Team• Strong institutional knowledge
Weaknesses (W)	<ul style="list-style-type: none">• Sufficient staffing• Frequent need to address crises limits the Department’s ability to make system-wide improvements• District funds to make necessary improvements• Data disclosure/production
Opportunities (O)	<ul style="list-style-type: none">• Washington Schools Risk Management Pool (WSRMP) coverage/self-insured retention reduction
Threats/Risks (T)	<ul style="list-style-type: none">• Turnover in staff lawyers (5 left between 2010-2013)• Increased Public Records Act requests

Looking Forward/Next Steps

- Systematic Contracts Review
- Policy Alignment, HIB, Discrimination, Sexual Harassment, Retaliation
- Assess WSRMP Insurance Premiums (reducing legal expenses)
- Phase II Policy Review
- Review Student Section 504 Coordinator Placement