



SENT VIA ELECTRONIC MAIL

October 3, 2022

Perla Tabares Hantman – Chair, Miami-Dade County Public Schools (MDCPS) School Board
Dr. Jose L. Dotres – Superintendent of Schools, MDCPS
Walter J. Harvey – Attorney, MDCPS School Board
Dr. Steve Gallon III – Vice Chair, MDCPS School Board
Dr. Dorothy Bendross-Mindingall – Board Member, MDCPS School Board
Lucia Baez-Geller - Board Member, MDCPS School Board
Christi Fraga - Board Member, MDCPS School Board
Mari Tere Rojas - Board Member, MDCPS School Board
Dr. Lubby Navarro - Board Member, MDCPS School Board
Dr. Marta Perez - Board Member, MDCPS School Board
Luisa Santos - Board Member, MDCPS School Board
Dr. Verena Cabrera – North Region Superintendent, MDCPS
Celia Rubio – Clerk, MDCPS School Board

School Board of Miami-Dade County
1450 N.E. 2nd Avenue
Miami, FL 33132

Re: Notice & Warning of Potential Regional Statutory and Policy Violations

Mr. Superintendent of Schools, School Board Attorney, and School Board members:

This letter shall serve as Notice and Warning that despite the decision officialized by the Miami-Dade County School Board at the Regular School Board meeting of Wednesday, September 7, 2022, during which agenda Item H-11 failed by a vote of 8-1; on Wednesday, September 14, 2022, the Commission of the City of Miami Beach passed and adopted a resolution under Agenda Item C7 AQ to:

- urge Parent-Teacher Associations and/or organizations to adopt the attached sample Resolution declaring October, 2022 as LGBTQ History Month
- and
- urge principals of individual schools within Miami-Dade County to recognize October, 2022 as LGBTQ History Month, and to acknowledge and teach LGBTQ history

The City of Miami Beach supports its partnership with MDCPS through the Committee for Quality Education (MBQEC); which represents all schools in the City of Miami Beach. Let it be known that the Miami Beach Commissioner that proffered agenda item C7 AQ, Mr. Alex J. Fernandez, appeared at the MBQEC meeting of Tuesday, September 13, 2022. Mr. Fernandez’s appearance was not published in the MBQEC meeting agenda and therefore was not duly nor reasonably noticed to MBQEC Committee Members or to the public. In addition, the motion made by MBQEC Committee Member Beverly Heller and seconded by MBQEC Committee Member Courtney Reeve, requesting that “*..the Mayor and Commission support Commissioner Fernandez’s resolution on the September 14, 2022 Commission meeting agenda Item C7AQ to*

support the LGBTQ community”, was not duly nor reasonably noticed as an agenda item in that MBQEC’s meeting agenda, and therefore was not duly nor reasonably noticed to MBQEC Committee Members or to the public.

MDCPS’s Superintendent of Schools, MDCPS School Board Members, and the School Board attorney are hereby given notice that the actions taken by the Commission of the City of Miami Beach, including the motion passed by the MBQEC, and the actions that may as a result be taken by administrators, teachers and staff of public schools in the city of Miami Beach; constitute probable violations of, including but not limited to, the following Florida Statutes:

- Section 286.011 et seq., F.S.; Florida’s Government in the Sunshine Law
- Section 1014.04(1)(b), F.S.; parental rights to direct the upbringing and the moral or religious training of their minor children
- Section 1014.05(1)(b), F.S.; requires that parents be provided the ability to review instructional materials, and supplemental materials
- Section 1014.05(1)(c), F.S.; providing for the right of parents to object to Instructional Materials and “other materials”. Such objections may be based on beliefs regarding morality, sex, and religion or the belief that such materials are harmful
- Section 1001.42(8)(c) 3, F.S.; prohibits instruction by school personnel or third parties on sexual orientation or gender identity in kindergarten through grade 3, or in a manner that is not age-appropriate or developmentally appropriate
- Section 1002.20(3)(d), F.S.; the potential for instruction and materials to be used in the schools as a result of the aforementioned actions are not conducive to and do not comply with this statutory opt-out provision
- Section 1003.42(5), F.S.; the potential for instruction and materials to be used in schools as a result of the aforementioned actions are not conducive to and do not comply with this statutory opt-out provision
- 1006.40(3)(d)2, F.S.; materials must be suited to student needs and to their ability to comprehend the material presented
- 1006.40(3)(d)3, F.S.; materials must be appropriate for the grade level and age group for which the materials are used or made available
- 1006.40(4)(b), F.S.; the materials to be potentially provided and utilized in schools as a result of the aforementioned actions are not being subjected to statutory public review, public comment, and subsequent adoption processes

It is the duty of the MDCPS Superintendent of Schools and the MDCPS School Board to initiate an investigation into this matter and ensure that the schools within the MDCPS North Region, namely the schools located within the City of Miami Beach, are in and remain in compliance

with the aforementioned Florida Statutes, and to ensure adherence and compliance to, including but not limited to, the following MDCPS Policies:

- **ARTICLE XXI** – EMPLOYEE RIGHTS AND DUE PROCESS et seq.
- **MDCPS po9210** – PARENT ORGANIZATIONS
- **MDCPS po9211** – SCHOOL-ALLIED AND OTHER OUTSIDE SUPPORT ORGS.
- **MDCPS po1139** – EDUCATOR MISCONDUCT
- **MDCPS po1139.01** – DISCIPLINE OF ADMINISTRATIVE STAFF
- **MDCPS po1140** – SUSPENSION OR DISMISSAL OF ADMINISTRATORS

Sincerely,

Alex Serrano

Alex Serrano, Executive Director
CCDF-USA, Miami-Dade County

Encl: City of Miami Beach Resolution passed and approved on 09/14/22 per agenda item C7 AQ
City of Miami Beach Sample Resolution declaring October, 2022 LGBTQ History Month
City of Miami Beach Committee for Quality Education 09/13/22 meeting agenda

CC: Dan Gelber – Mayor, City of Miami Beach
Alex J. Fernandez – Commissioner, City of Miami Beach
Kristen Rosen Gonzalez – Commissioner, City of Miami Beach
Steven Meiner – Commissioner, City of Miami Beach
Ricky Arriola – Commissioner, City of Miami Beach
David Richardson – Commissioner, City of Miami Beach
Rafael A. Paz – City Attorney, City of Miami Beach
Rafael E. Granado – City Clerk, City of Miami Beach
Julie Basner – Chairperson, Miami Beach Committee for Quality Education
Mary Keinath – Member, Miami Beach Committee for Quality Education
Joshua Levy – Member, Miami Beach Committee for Quality Education
Beverly Heller – Member, Miami Beach Committee for Quality Education
Yvette Tache – Member, Miami Beach Committee for Quality Education
Laurie Kaye Davis – Member, Miami Beach Committee for Quality Education
James Orlowsky – Member, Miami Beach Committee for Quality Education
Rina Bass – Member, Miami Beach Committee for Quality Education
Karmenchu Santana-Vega – Member, Miami Beach Committee for Quality Education
Evie Fernandez – Member, Miami Beach Committee for Quality Education
Tiere Hessert – Member, Miami Beach Committee for Quality Education
Courtney Reeve – Member, Miami Beach Committee for Quality Education
Beth Edwards – Member, Miami Beach Committee for Quality Education
Jorge Mazon – Principal, South Pointe Elementary
Maria P. Costa – Principal, Fienberg Fisher K-8 Center
Melanie B. Fishman – Principal, North Beach Elementary
Karen D. Villalba-belusic – Principal, Biscayne Elementary
Mary Murphy – Principal, Nautilus Middle School
Alfred V. Torossian – Principal, Miami Beach Senior High School