



EDUCATION LAW COMMITTEE HANDBOOK

**Statement of Purpose,
Goals and Objectives**

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The purpose of the Education Law Committee (hereinafter ELC) is to bring together attorneys practicing or interested in the area of education law to review existing areas of education law, to study recent developments in this specialized area of practice of the law, and to keep the members of the Bar informed of significant developments in this practice area. The ELC Proposal was approved by The Board of Governors during the fall of 2000. The ELC is dedicated to having all new or current members, whatever their level of knowledge or expertise in education law may be; feel welcome and comfortable with participating in ELC activities. The ELC will take an active role in communicating and articulating legislative changes, will publish a Journal/Newsletter, and will hold seminars from time to time addressing higher education and/or school law issues. The ELC will meet a minimum of three times a year for its business meetings, to study current issues and to share new information in educational law. The ELC, in addition to the Publications and CLE Subcommittees, will establish and maintain subcommittees to conduct further research and study issues of concern to this practice area. The ELC will bring together attorneys that practice education law in private practice, public and private universities and colleges, public and private schools, charter schools, deregulated schools, and other education law-related areas. The synergistic strength of the ELC will be the cross representation from all levels of education, public and private, and include attorneys that represent and/or defend all types of educational entities and actions in these arenas or that are engaged in developing policies at the institutional level.

The goals and objectives for this committee conform to the existing Standing Board Policies, the Integration Rule, and the Bar's long-range plan. The Florida Bar will benefit from the establishment of this new forum for private and K-20 lawyers to meet, exchange ideas, study issues, and disseminate that information to other attorneys in this area of practice. The goals for the ELC are listed below.

GOAL 1: To provide lawyers in The Florida Bar a forum to address legal issues, to share ideas and to formulate resolutions of significant legal issues facing lawyers that practice in higher education institutions, K-12 schools in the private and public sectors, as well as private attorneys who practice or have an interest in education law-related areas.

Specific Objective 1: The ELC will meet a minimum of three times a year, generally in conjunction with regular Florida Bar Meetings.

Specific Objective 2: The ELC will establish Standing Subcommittees and other subcommittees that will assist in implementing the goals of the ELC. The Standing Subcommittees include: Publication; CLE; Certification; Membership; and, Public Relations.

GOAL 2: To disseminate information regarding new developments and significant legal issues in education law to interested attorneys throughout the State.

Specific Objective 1: The ELC, through its Publications Subcommittee, will publish a periodic journal/newsletter consisting of articles addressing new developments and issues of concern in this practice area, as well as updates on relevant new case law.

Specific Objective 2: The Publications Subcommittee will develop an annual plan to disseminate the Journal to members of the ELC, as well as the Chairs and members of other Substantive Law Committees and Sections.

GOAL 3: To provide a forum for updating attorneys on legal issues and new developments in education law.

Specific Objective 1: The ELC, through its CLE Subcommittee, will develop an annual plan for attorney education regarding emerging issues, recent developments in case law and other legal issues of concern in education law, which shall include CLE seminars on critical education law issues and/or legislative changes annually and at each business meeting.

GOAL 4: To increase the membership and visibility of the ELC.

Specific Objective 1: The ELC, through its Membership and Public Relations Subcommittees, will develop an annual plan to increase the visibility of the ELC within The Florida Bar, which will increase the membership.

GOAL 5: To serve as a model for The Florida Bar in the utilization of technology in all ELC activities.

Specific Objective 1: The ELC will prepare and disseminate the Journal in an on-line format. In addition, the ELC will explore, and if feasible implement technology-based access to committee meetings via audio and video conferencing. This objective will be shared by the Publications and Membership Committee.

GOAL 6: To work with Board of Legal Specialization and Education of The Florida Bar to maintain and update the criteria, special knowledge, skills and proficiency needed to earn and retain certification in Education Law.

Pertinent Florida Bar Rules Regarding Substantive Law Committees and ELC Implementation

Substantive Law Committee Member Appointments and Membership

Substantive Law Committees are governed by Standing Board Policy (“SBP”) 5.31, which requires that Substantive Law Committees must maintain an active membership of at least 50 members who have attended at least 1 meeting during the year. Committees that fail to meet this threshold for 2 of 3 consecutive years shall be considered by the Program Evaluation Committee, during its periodic review, for sunset or merger into an existing Florida Bar Section or Committee. (SBP 5.31(c) and SBP 5.31 (c)(i)).

All committee members are appointed each spring by the President-Elect of The Florida Bar. Potential members must file a Committee Preference Form, which can be found on-line. The forms are reviewed by the President-Elect and appointments are made based on the information on the Committee Preference Form and the Committee Members' Evaluation Form submitted by the Chair of the Committee. (SBP 5.31(c) and Bylaw 2-8.1, Rules Regulating The Florida Bar ("RRTFB")).

Substantive Law Committee members serve 1-year terms and must file a Committee Preference Form each year to be considered for reappointment. Appointments are not effective until July of the year appointed. There are no term limits for membership on a Substantive Law Committee. (SBP 5.31).

Membership terms on a Standing Committee and Substantive Law Committee are different and should not be confused. See SBP 5.31; SBP 5.70; Bylaw 2-7, RRTFB; Bylaw 2-8, RRTFB; and SBP 5.21(c).

Members of Standing Committees serve 3-year staggered terms and must file a Committee Preference Form at the end of their term to be considered for reappointment. Continuous membership on a Standing Committee shall not exceed 6 years. This provision shall not, however, apply to membership on substantive law committees (SBP 5.21(c)).

Interim Term Substantive Law Committee Member Appointments

After the Substantive Law Committee appointment cycle is concluded, generally, no more appointments are made. Interested attorneys are welcome to attend all committee meetings and seminars. (Bylaw 2-8, RRTFB).

Appointment of Non-Lawyer Members

Only the President-Elect of the Florida Bar has appointment authority. Non-lawyers may be appointed to a Substantive Law Committee by the President-Elect with the advice and consent of the Board of Governors. (Bylaw 2-8.1, RRTFB).

Attendance

Members are required to attend at least one meeting per year. Members unable to attend any meeting should write to the Chair of the ELC and request an excused absence. Attendance and participation at meetings are noted in the minutes and may be reviewed by the Bar President when they choose new members and officers for the following year. (SBP 5.31(b)).

Chair Authority to Appoint Other Officers and Subcommittees

Substantive Law Committee Chairs and Vice Chairs are appointed by the President-Elect of the Florida Bar. The ELC shall select from its membership such officers other than the Chair and Vice

Chair as it deems advisable and subcommittees may be designated by the Chair from the membership of the Committee.. These additional officers and/or chairs of subcommittees will serve one year terms.

In addition to the Standing Subcommittees of the ELC other subcommittees may be created by the Chair. (Bylaw 2-8.1, RRTFB and Bylaw 2-8.2, RRTFB).

Rules Governing Procedures of a Substantive Law Committee

Substantive Law Committee meetings should be conducted in accordance with the current edition of *Robert's Rules of Order*. (Bylaw 2-9.6, RRTFB).

Meeting Times and Places

The ELC shall meet no less than three times per year. At least two of the meetings shall be in conjunction with regular meetings of The Florida Bar. The third meeting, and any additional meetings, may be held electronically or in person at the discretion of the Chair. These ELC meetings will be announced by notice in the Bar News. (Bylaw 2-8, RRTFB).

Quorum for Meetings

A quorum is only required if the ELC is voting on a matter which would become an ELC position and/or recommendation. According to *Robert's Rules of Order*, a quorum is a majority. (50% of the members plus one)

Decision-Making Authority of a Substantive Law Committee

Substantive Law Committee positions/recommendations are sent to the Program Evaluation Committee and, if favorable, on to the Board of Governors. No Substantive Law Committee has independent decision-making authority. (Bylaw 2-8.2, RRTFB).

Legislative Action by a Substantive Law Committee

If the ELC chooses to address a particular legislative issue and make a recommendation, the recommendation would go to the Bar's Legislative Committee for consideration and appropriate action by the Board of Governors. (SPB 9.60 and Bylaw 2-9.3, RRTFB).

CLE Activities of a Substantive Law Committee

Substantive Law Committees may conduct or sponsor CLE courses in compliance with applicable policy. (SBP 5.31 (d)).

Committee Newsletters and Other Publications

Newsletters which include pertinent items of interest dealing with substantive law may be produced and disseminated to the members of Substantive Law Committees. (SBP 5.31 (f)).

Substantive Law Committee Reporting Requirements

Each Substantive Law Committee shall file with the President and Executive Director of the Florida Bar all minutes, annual reports, and procedures and recommendations and such interim reports as desired or may be requested by the President or Board of Governors. (Bylaw 2-8.2, RRTFB).

Budget Process and Procedures

Budgets for a Substantive Law Committee will be submitted annually to the Budget Committee for approval. Items included in the budget shall include postage, printing, supplies, the cost associated with any newsletters, and those costs borne by offering free programs at the annual or midyear meetings. Any changes to a proposed or existing committee budget are to be sent to the Budget Committee for consideration. Likewise any substantive changes to the goals and specific objectives require Program Evaluation Committee approval.

The Budget Committee will either provide a favorable recommendation of a Substantive Law Committee's budget to the Board of Governors for approval or will request the Committee to revise and resubmit their budget. (SBP 5.31(g) and Bylaw 2-8.4, RRTFB).