

Roger C. Cuevas, Superintendent of Schools

**SUBJECT: PLAN OF ACTION AND PROCEDURES FOR REPLACING THE SUPERINTENDENT OF SCHOOLS OR THE SCHOOL BOARD ATTORNEY IN THE EVENT OF EITHER OF THEIR DEPARTURE FROM THE SCHOOL SYSTEM**

At the Board meeting of July 11, 2001, the School Board Chair presented Agenda Item K-2, which was approved by the Board, directing the Superintendent of Schools and the School Board Attorney to provide the Board, at its meeting of August 22, 2001, with a plan of action and procedures for replacing the Superintendent of Schools or the School Board Attorney in the event of their departure from the school system. The following recommendations are submitted for the Board's consideration:

***PROCEDURES FOR REPLACING THE SUPERINTENDENT OF SCHOOLS***

Pursuant to School Board Rule 6Gx13-2A-1.021, The School Board of Miami-Dade County, Florida, is authorized by State law, when a vacancy occurs, to appoint a Superintendent of Schools, fix his or her salary, and enter into a contract of employment to be negotiated with the candidate.

- In the event of the untimely departure of the Superintendent of Schools, the Board may, at the next scheduled School Board meeting, appoint a person to fill the position of interim superintendent and assume the duties of the superintendent until such time as that position can be filled on a permanent basis. The Board may select an individual who meets the qualifications specified in School Board Rule 6Gx13-2A-1.021. If the Board selects an interim superintendent, he or she will have the legal authority to act as Superintendent of Schools; or
- Pursuant to School Board Rule 6Gx13-8C-1.10, the Chair of the School Board or a majority of the members of the Board, may call a special Board meeting, by giving two days' written notice of the time and purpose of the meeting. The agenda for a special meeting shall be announced. At this special meeting, the Board may appoint an interim superintendent.
- The Chair, in consultation with the School Board Attorney, may designate an individual from the Superintendent's Cabinet to carry out the duties and responsibilities of the day-to-day operations of the school district, until such time as the Board meets to appoint an interim superintendent.
- If a superintendent is selected, either interim or permanent, the Chair of the School Board and the Board Attorney may negotiate the salary and a contract for employment with the successful candidate.
- If the Board wishes, staff could conduct a national search; hire a consultant to oversee the search; or hire an executive search firm to conduct the search.

- If an executive search firm is hired to conduct a national search, the following procedures should be followed:
  - a) Direct staff to issue a Request for Proposals (RFP) to executive search firms to select a firm to find the best candidate for a Miami-Dade County Superintendent of Schools.
  - b) The Board may provide directions to staff prior to the development of the RFP as to the methodology of the firm in search procedures, qualifications, and the role of staff in the advertisement process. The School Board Chair may prepare a discussion agenda item to address these issues and present this item to the Board.
  - c) The Board should call a conference session to hear presentations from the different firms responding to the RFP. After the presentations, the Board members should have the opportunity to ask questions.
  - d) The Board should consider as the criteria in the selection of a firm whether or not the firm has conducted superintendency searches in the past; to what extent the firm is involved with urban school districts like Miami-Dade County; contact persons and panelists; the search approach under the Florida Sunshine Law and possible client-blockage interference; fees to be charged; and provisions of services.
  - e) The Board should vote to make the final selection of the executive search firm to conduct the national search for the Superintendent of Schools.
  - f) After the executive search firm completes the advertisement, screening, and analysis of the qualifications and references of the candidates, a list of finalists should be prepared for the Board. The Board may ask the firm to limit the number of candidates to be interviewed.
  - g) Board members may meet and interview the candidates independently. The Board may request additional information from the firm about the candidates prior to making a selection at an open School Board meeting.
  - h) Upon selection, the Chair of the School Board and the Board Attorney may negotiate the salary and a contract for employment with the successful candidate.

### ***PROCEDURES FOR REPLACING THE SCHOOL BOARD ATTORNEY***

Pursuant to School Board Rule 6Gx13-8A-1.05, The School Board of Miami-Dade County, Florida, is authorized to employ an attorney to serve as its legal counsel.

- In the event of the departure of the School Board Attorney, the Board may, at the next scheduled School Board meeting, appoint the Deputy Board Attorney to fill the position of Interim Board Attorney to assume the duties of the Office of the School Board Attorney until such time as that position can be filled on a permanent basis. The Board, in its discretion, may also select a permanent School Board Attorney at that meeting.

- Should the Board wish to call a special Board meeting for purposes of selecting an interim or permanent School Board Attorney, the Chair of the School Board or a majority of the members of the Board, may pursuant to School Board Rule 6Gx13-8C-1.10, call a special Board meeting, by giving two days' written notice of the time and purpose of the meeting. The agenda for a special meeting shall be announced. At this special meeting, the Board may appoint an Interim Board Attorney or a permanent Board Attorney.
- If the Board selects an Interim Board Attorney, he or she will have the legal authority to act as Board Attorney until such time as a permanent Board Attorney is selected.
- For the selection of a permanent Board Attorney, the Board will have to decide whether it chooses to select a permanent Board Attorney from all local candidates who apply for the position, or the Board may authorize a national search to fill the position.
- In the event of a national search, the Board may authorize staff to conduct this search, hire a consultant or an executive search firm. I recommend retaining an executive search firm in accordance with district selection procedures.
- After the executive search firm prepares a list of finalists, the Board may meet and interview the candidates individually prior to making a selection at an open School Board meeting. The meetings with the finalists and the individual Board members must be held in accordance with the Sunshine Law.
- If the Board chooses to select a permanent Board Attorney from all local candidates who apply, they may establish the procedure at an open Board meeting. Such procedures may include the method of selecting finalists from among those who apply. After a list of finalists is determined, the Board may meet and interview the candidates individually as described above.
- Upon selection, the Chair of the School Board and a selected outside legal counsel may negotiate the salary and a contract for employment with the successful candidate for the position of Board Attorney.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, receive the procedures for selection of the Superintendent of Schools and the School Board Attorney in the event of either of their departure from the school system.