

August 29, 2001

Ms. Perla Tabares Hantman, Chair

**SUBJECT: REQUEST THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY,
FLORIDA, TAKE ACTION ON THE SUPERINTENDENT'S EMPLOYMENT
AGREEMENT**

At the School Board meeting of August 22, 2001, a discussion was held concerning the Superintendent of Schools' job performance. At that meeting, the School Board of Miami-Dade County, Florida and the public were informed by the Chair of her intent, if legally permissible, to bring an agenda item to the full Board for its consideration to act upon the Superintendent of Schools' Employment Agreement.

During the discussion, the Chair advised that she was making the announcement at a Board meeting prior to bringing an action item because she believed that whatever the will of the Board in this area, such a decision should be deliberative and not done in haste. She further stated that the postponing of any Board action until a subsequent Board meeting would allow the Superintendent time to consider his alternatives, give the Board Attorney time to advise the Board legally and give Board members time to reflect on this very important matter.

The Chair then requested that the Board Attorney by Wednesday, August 29, 2001, provide the Board with a written legal opinion concerning taking action on the Superintendent's Employment Agreement. That opinion determined that the Board is legally permitted to take action upon the Superintendent's Employment Agreement upon the satisfaction of certain conditions.

Therefore, should each Board member choose to do so, he or she may discuss the Superintendent's performance. Following such discussion, the Board should determine by a majority vote whether the Superintendent's performance is satisfactory or unsatisfactory. If the Board determines that his performance is satisfactory, then it should give the Superintendent a vote of confidence. However, if the Board by a majority vote, determines the Superintendent's performance to be unsatisfactory, the Board may act upon the Superintendent's contract by voting to terminate the Superintendent's Employment Agreement or establish prescriptive goals and objectives for the Superintendent to achieve during the next succeeding year.

ACTION PROPOSED BY

MS. PERLA TABARES HANTMAN: That The School Board of Miami-Dade County, Florida take action on the Superintendent's Employment Agreement as follows:

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(SP-1)

- 1) Discuss the Superintendent's performance;
- 2) Determine by majority vote that the Superintendent's performance is either satisfactory or unsatisfactory;
- 3) If the Board's determination is that the Superintendent's performance is satisfactory, then give the Superintendent a vote of confidence;
- 4) If the Board's determination is that the Superintendent's performance is unsatisfactory, then act upon the Superintendent's Employment Agreement by majority vote to either terminate the Superintendent for unsatisfactory performance or establish prescriptive goals and performance objectives for the Superintendent to achieve during the next succeeding year;
- 5) If the Board's vote is to terminate the Superintendent's Employment Agreement, then the Board should determine the effective date of termination.
- 6) If the Board's vote is to establish prescriptive goals and performance objectives, the Board must determine the manner for establishing such goals and objectives, either by authorizing the Board Attorney to retain an expert consultant in this area or by determining that the Board will establish at a public meeting its own goals and objectives without a consultant. The Board should also determine the time frame for establishing said goals and objectives.