

Ms. Evelyn Langlieb Greer, Member

SUBJECT: REQUEST FOR COMMENCEMENT OF NATIONAL SEARCH FOR SCHOOL BOARD ATTORNEY, ADOPTION OF PROCEDURES FOR NATIONAL SEARCH

COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL RELATIONS

The Employment Agreement between the Board and Johnny Brown dated April 14, 1999 expires on June 30, 2005. The Employment Agreement has no provision for renewal or extension. Therefore, the Board Attorney will no longer be employed by the Board effective July 1, 2005. The Board must undertake a process to employ a Board Attorney effective July 1, 2005.

At the Board meeting held August 22, 2001, the Board accepted the recommendations of the Superintendent and Board Attorney to adopt procedures for replacing the Board Attorney. Pursuant to such procedures, the Board accepted the following procedure as the method to replace the Board attorney:

1. that the Board hire a national search firm to develop a list of finalists;
2. that the Board meet and interview the candidates individually prior to making a selection at an open School Board meeting;
3. that upon selection of a candidate, the Board Chair and a selected outside legal counsel may negotiate the salary and a contract for employment.

The Board has approximately 3-1/2 months until the Board Attorney's departure. In order to employ a School Board Attorney by July 1, 2005, the Board should adopt a timeline, such as the one adopted by the Superintendent Search Committee, to accomplish the search and hiring of a Board Attorney:

Adopt search criteria for Board Attorney (see attached)	March 16, 2005
Issue Request For Qualifications for national search firm (see attached)	March 17, 2005
Retain national search firm	April 13, 2005
Review results of national search, conduct interviews and select attorney	May 18, 2005
Negotiate and approve agreement Special Board meeting	June 8, 2005

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Attached is a proposed Request For Qualifications for a national search firm to be issued on March 17, 2005, with responses due on May 28, 2005. Also attached is a proposed qualifications and criteria for Board Attorney to guide the national search firm in developing a list of candidates for the School Board Attorney position.

**ACTION PROPOSED BY
MS. EVELYN GREER:**

That The School Board of Miami-Dade County, Florida:

1. Undertake a national search for a School Board Attorney to be employed as of July 1, 2005, at the termination of the current School Board Attorney Employment Agreement.

2. Adopt the following timeline for conducting the national search:

Adopt search criteria for Board Attorney
March 16, 2005

Issue Request for Qualifications for national search firm
March 17, 2005

Retain national search firm
April 13, 2005

Review results of national search, conduct interviews and select attorney
May 18, 2005

Negotiate and approve agreement at Special Board meeting
June 8, 2005

3. Adopt the Request For Qualifications attached hereto for the national search firm and request that the Superintendent and his staff issue the RFQ and present the results of the RFQ to the Board at the April 13, 2005 Board meeting;

4. Adopt the attached School Board Attorney Qualifications and Criteria for Board Attorney to guide the national search firm in developing a list of candidates for the School Board Attorney position; and
5. Direct the national search firm to present the list of candidates to the School Board at the May 18, 2005 Board meeting for selection of a School Board Attorney.

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SEARCH CRITERIA FOR BOARD ATTORNEY

GENERAL DESCRIPTION OF POSITION:

The School Board Attorney is the Chief Legal Officer for the Miami-Dade County Public School (M-DCPS) system, which is the fourth largest school system in the United States. The position involves both professional and administrative work, including legal representation for the School Board and all administrative staff, legal counseling and development of legal strategy, and directing and formulating the program for all legal activities of the M-DCPS. The work involves review and interpretation of federal, state and local laws and regulations, drafting and reviewing all School Board Rules and Resolutions, preparation and negotiation of contracts, construction documents, vendor contracts and requests for proposals, real property transactions, and the full range of legal services to be expected in a large, urban, diverse public schools system. The School Board Attorney is appointed by and is directly responsible to the M-DCPS Board, but works closely with the Superintendent of the M-DCPS District.

The MDCPS operates in a highly regulated environment and requires an individual with a creative, innovative approach to legal issues who can work closely with the MDCPS School Board and Superintendent to advance the District's goal of providing the highest quality education to all students.

ESSENTIAL FUNCTIONS:

1. Provides comprehensive legal services to the M-DCPS Board, Superintendent and staff to be expected in the fourth largest school system in the United States.
2. Attends M-DCPS Board meetings (regular, special and workshop).
3. Manages the School Board Attorney's office, including preparation and administration of the School Board Attorney's budget.
4. Is responsible for all outside counsel hired by the Board.
5. Coordinates legal strategy pertaining to Federal, State, County and District laws and regulations to advance the goals of the District.

ADDITIONAL RESPONSIBILITIES:

1. Supervises and motivates subordinate professional and clerical staff in a manner conducive to high performance and morale.
2. Participates in continuing legal education programs and seminars to improve skills

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and broaden the attorney's experience and ability.

3. Maintains effective working relationships with all stakeholders.
4. Prepares proposed bills and amendments for enactment by the State Legislature regarding matters of interest to the Board; may attend legislative sessions to represent and promote the interest of the Board before Federal and State committees and elected representatives.
5. Plans, organizes, directs and reviews the operations and activities of the School Board Attorney's Office.
6. Studies and keeps abreast of court decisions, administrative decisions, legislation and problems pertaining to school boards and school systems and matters relating thereto.
7. Supervises all litigation and personnel actions involving the District.
8. Performs related work as required.

KNOWLEDGE, SKILLS & ABILITIES:

1. Knowledge of the MDCPS Board Rules and of State, Federal and Constitutional Law pertaining to the regulation and operation of school systems.
2. Knowledge of judicial procedures, rules of evidence and methods of legal research.
3. Knowledge of established precedents and sources of legal reference applicable to the M-DCPS District.
4. Knowledge of administrative and personnel law as they relate to the M-DCPS.
5. Skill in conducting research on complex legal problems and preparing sound legal opinions.
6. Ability to communicate clearly and concisely, orally and in writing.
7. Ability to establish and maintain effective working relationships with public officials, management staff, subordinates and the general public.
8. Ability to interpret and apply legal principles and precedents in resolving complex legal problems.
9. Ability to participate in the preparation of civil law cases before County, State and Federal Courts.

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QUALIFICATIONS (EDUCATION, TRAINING AND EXPERIENCE):

1. Law Degree, J.D. or L.L.B., from an accredited school of law.
2. Membership in a state Bar Association for at least ten (10) years, with a preference for membership in the Florida Bar; however, membership in the Florida Bar Association may be accomplished within the first year of employment.
3. Minimum of five (5) years progressively responsible legal experience in local government.
4. Minimum of ten (10) years active practice of law in the United States.

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