

Mr. Renier Diaz de la Portilla, Board Member

**SUBJECT: INSUBORDINATION OF SUPERINTENDENT
 RUDOLPH CREW**

COMMITTEE: SCHOOL SUPPORT AND ACCOUNTABILITY

**LINK TO DISTRICT
STRATEGIC PLAN: IMPROVE TRANSPARENCY OF DECISION-
 MAKING THROUGHOUT THE SCHOOL DISTRICT**

Acting School Board Attorney Luis Garcia stated in a memo to the School Board on August 1, 2008, that an act of insubordination is defined as the "willful neglect to obey an order." Furthermore, in the same memo, the School Board Attorney continued to define gross insubordination or willful neglect of duties by the following: "constant or continuing intentional refusal to obey a direct order, reasonable in nature, and given by and with proper authority." In addition, the attorney established that the orders given by the School Board must be reasonable in nature, as to a person with a reasonable mind would be able to carry out the order.

At the August 4, 2008 School Board Meeting, The School Board of Miami-Dade County, Florida was informed by the School Board Attorney's Office "that a finding of gross insubordination is so highly dependent on the facts of each given case, [that] perhaps a more pragmatic approach in these instances is to permit the alleged offender an opportunity to present evidence to rebut such allegations, before an ultimate decision is rendered."

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Therefore, this item serves as formal notice to Superintendent Rudolph Crew to rebut the allegations of Gross Insubordination before the Miami-Dade School Board. This board item is intended as a broad and open-ended discussion of the administration's apparent non-compliance with state law in refusing to implement board-approved initiatives.

Failure to comply with these board-approved items will meet the legal threshold of Gross Insubordination by the constant willful neglect to obey a reasonable order. I welcome other board members' input in the sunshine as board initiatives unintentionally omitted from the body of this item may be added during the September 10th board meeting.

**REVISED
H-6**

The following are specific board items on which only partial action or no action appears to have been taken by the superintendent.

At the School Board meeting of June 14, 2006, the superintendent was directed by The School Board of Miami-Dade County, Florida to review existing policies and procedures for the selection and acquisition of school library books and to recommend any necessary changes to the process prior to the 2006-07 school year. Please provide evidence that such a review was indeed conducted, even if no changes were deemed necessary.

October 17, 2007, the incorporation of regional and School Board Member District analysis into the yearly analysis of FCAT results as directed by the School Board. The superintendent has failed to produce the yearly analysis of the FCAT results per School Board district for the 2007-08 school year. Please provide the analysis and an explanation as to why it was not provided to the public in a timely manner.

At the School Board meeting of February 14, 2007, item H-5 directed the Superintendent to provide the best means of providing etiquette instruction and incorporating deportment into the report card and to include recommendations in the 2007-2008 Student Progression Plan. With the exception of a one line reference in the 2007-2008 Student Progression Plan, please provide evidence of any further development of any etiquette or deportment instruction program, teacher training, or curriculum development that would indicate a good-faith effort to implement such a program as requested by the board item. Please provide evidence of teacher's regular use of report card to comment on student etiquette and deportment.

At the School Board meeting of June 18, 2008, implementation of the four day work week as a pilot program for the 2007-2008 summer school term was approved. Please provide documentation that reasonable efforts were undertaken to implement a four day work week as a pilot program for the 2007-2008 summer school term.

At the School Board meeting of April 18, 2007, expansion of Florida Kidcare enrollment through the use of the district's marketing tools, and the reporting to the School Board of the progress of the marketing campaign to improve enrollment in Kidcare. Please apprise the board of any and all efforts undertaken to increase enrollment as per the board item, and any increases in Kidcare enrollment from 2007 to 2008.

In addition to the board items, there are other well-publicized incidents of insubordination that when viewed in their totality, could meet the legal threshold of Gross Insubordination:

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January 3, 2006: The school board filed complaint against the superintendent to provide public information as requested. The refusal of the superintendent to provide a board member and the public information constitutes willful neglect of duty and insubordination. The initial complaint was filed by Board Member Marta Perez, and the entire School Board of Miami-Dade County, Florida later joined in the complaint.

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August 21, 2008: The superintendent's refusal to attend a mandatory, publicly noticed, legal committee meeting that was called into session by the Chairperson of the committee within the purview of board rule 6GX13-8C-1.23 and Florida state statutes. This is the third instance of the Superintendent refusing to attend a publicly noticed meeting called by a board member.

**ACTION PROPOSED BY
MR. RENIER DIAZ DE LA PORTILLA:**

1) That the School Board of Miami-Dade County, Florida, place the superintendent on notice for failure to implement board-approved items and that he be required provide all documentation and any and all supporting evidence as required to demonstrate reasonable efforts to implement said items within 30 days or on or before October 10, 2008. Any memos, emails or communications that are part of the public record should be provided as competent substantial evidence of the superintendent's intent to implement board items. Any failure to comply with this request will be considered an act of insubordination on behalf of the superintendent by the School Board of Miami-Dade County, Florida.

2) Independent of the legal review, but based on the aforementioned allegations and their responses, that the School Board of Miami-Dade County, Florida take a formal vote to censure Superintendent Rudolph Crew for Gross Insubordination on October 15th, 2008.

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3) That the School Board's Special Counsel review all allegations of insubordination and the superintendent's responses thereto before the October 15th School Board Meeting, including the superintendent's refusal to attend a mandatory, publicly noticed, legal committee meeting that was called into session by the Chairperson of the committee within the purview of board rule 6GX13-8C-1.23 and Florida state statutes, and that Special Counsel provide the board with counsel on whether sufficient legal grounds exist for termination of the superintendent's contract for Gross Insubordination or any other Cause deemed legally sufficient by the October 15th board meeting.

4) That the School Board of Miami-Dade County, Florida take appropriate action based on the Special Counsel's review and the facts before it at the October 15, 2008 Miami-Dade School Board Meeting.