

Ms. Maria Teresa Rojas, Board Member

SUBJECT: SCHEDULING OF A SCHOOL BOARD WORKSHOP AND ESTABLISHMENT OF A SCHOOL BOARD TASK FORCE TO DEVELOP OR UPDATE PROCEDURES FOR THE SELECTION OF THOSE EMPLOYEES WHO REPORT TO THE SCHOOL BOARD IN THE EVENT OF A VACANCY

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COMMITTEE: PERSONNEL, STUDENT, SCHOOL & COMMUNITY SUPPORT

LINK TO STRATEGIC BLUEPRINT: HIGHLY EFFECTIVE TEACHERS, LEADERS, AND STAFF

Florida Statute 1001.461 states that “pursuant to the provisions of s. 5, Art. IX of the State Constitution, the district school superintendent shall be appointed by the district school board in a school district.” School Board policy 0132 states that “Pursuant to State law, the School Board exercises its executive power through the appointment of the Superintendent, legal counsel, Chief Auditor, and Inspector General.” The Board is also authorized to enter into a contract of employment to be negotiated with the candidate and set his or her salary, as appropriate and approved by the Board.

Currently, Board Policy 6840 – *Audit and Budget Advisory Committee* includes language for the committee to make recommendations to the Board on the person to fill the position of Chief Auditor. It further states that “At the request of the Board, the committee will provide recommendations on the contractual provisions for the position of Chief Auditor. Prior to negotiation of the employment contract, the Board shall conduct a workshop to provide guidance to the Board’s designated negotiator.” School Board Policy 0156 - *Legal Counsel* – states “The Board has sole authority to determine the process and appointment of the Board Attorney, as well as the terms of the Board Attorney’s employment contract.” Finally, School Board Policy 0157 *Inspector General* – clearly delineates the selection and qualifications of the inspector general and the members of the selection committee and the Board’s authority to select a candidate. Board Policy 1060 addresses the appointment of “a temporary or acting Superintendent by a majority vote of the Board upon determination that the Superintendent is incapacitated in such a manner that he/she is unable to perform the duties of the office.” Florida State Statute 1001.50 – *Superintendents employed under Art. IX of the State Constitution*, section 2 states “Each district school board shall enter into an employment contract with the district school superintendent and shall adopt rules relating to his or her appointment...”

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The School Board has been proactively supporting the development of procedures and programs by the Superintendent of Schools, the School Board Attorney, and the Chief Auditor for succession management as a number of individuals in key positions in Miami-Dade County Public Schools (M-DCPS) will be leaving within the next two to three years. The Board further approved Board Policy – 1130.02 – *Succession Management* at its meeting of August 15, 2018. Hence, it is important for the Board to develop a plan of action and/or potential procedures for the two positions, the School Board Attorney and the Superintendent of Schools, that report directly to the School Board in the event of their departure from the school district. The Board may also wish to review the current procedures for the selection of the other two positions that report to the Board, Chief Auditor and the Inspector General, as outlined in Board policy.

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Therefore, this agenda item seeks for the School Board to schedule a workshop by March 6, 2020, to discuss current Board policies and possible development of procedures for the selection of those employees who report to the Board; and after the workshop, schedule a School Board task force with all Board members, pursuant to Florida Statute Chapter 286 – *Sunshine Law*, to discuss future steps in the development of procedures for the selection of the School Board Attorney and the Superintendent; review current policies about the selection of the Chief Auditor and the Inspector General; and define the level of community participation to be authorized by the Board during the different selection processes. Then, as determined by the School Board task force, bring an agenda item to a scheduled Board meeting with recommendations to approve the procedures developed by the task force and any recommendations to amend current Board policies.

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This item has been reviewed and approved by the School Board Attorney's office as to form and legal sufficiency.

**ACTION PROPOSED BY
MS. MARIA TERESA ROJAS:**

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

1. schedule a workshop by March 6, 2020, to discuss current Board policies and possible development of procedures for the selection of those employees who report to the Board;
2. request that the Office of Human Capital make a presentation at the Board's workshop about current best practices for the selection of the School Board Attorney and the Superintendent of Schools;
3. request that the School Board Attorney present at the Board's workshop any legal issues or concerns that the Board needs to be aware of related to current Board policies and/or procedures to be developed;
4. after the workshop, schedule a School Board task force with all Board members, pursuant to Florida Statute Chapter 286 – *Sunshine Law*, to discuss future steps in the development of procedures for the selection of the School Board Attorney and the Superintendent; review current policies about the selection of the Chief Auditor and the Inspector General; and define the level of community participation to be authorized by the Board during the different selection processes;
5. request that the Office of Human Capital serve as a consultant to the Board at the task force meetings; and
6. as determined by the School Board task force, bring an agenda item to a scheduled Board meeting with recommendations to approve the procedures developed by the task force and any recommendations to amend current Board policies.

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