



P. O. Box 755 ■ 1769 E. Moody Blvd. ■ Bldg. 2 ■ Bunnell, FL 32110

January 31, 2020

**BOARD OF EDUCATION**

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James Tager  
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Attorney General  
Department of Legal Affairs  
The Capitol PL01  
Tallahassee, FL 32399-1050

Dear Attorney General Moody:

I am a current School Board member of Flagler County Schools. The School District is currently in the process of conducting its Superintendent Search for the next Superintendent of Flagler County Schools. This is an appointed position by the School Board. The School Board is intending to select its next Superintendent at its School Board meeting scheduled for March 10, 2020. Hence as you can see time is of the essence. Recently, one of my fellow school board members submitted her name as an applicant for this position. As a result, I am requesting your advice on the following:

1. As this is an appointed position it does not appear the resign to run laws are applicable, however, I am requesting an opinion on whether a sitting school board member, may apply to be superintendent of schools for the district while they continue to serve as an active member of the Board?
2. If the member has worked on salary and job description for the new superintendent, can they still apply?
3. Does the member need to resign or can they recuse themselves from the search process/voting on the appointment?
4. If they can recuse themselves, are there steps that need to be taken by the District to be sure the process is not compromised?
5. The process the School Board has selected includes a Citizen Advisory Committee who will be assisting with the vetting process by reviewing all the applications to narrow the list of candidates, although the Board members are not bound by this list. If my fellow board member does not have to resign from the Board, is she only recused from the process while she continues to be a viable candidate? In other words, if she does not make it past the first stage of the vetting process as a candidate presented to the Board for consideration is she able to return to the Board to select the Superintendent?

Your advice on this unprecedented matter is greatly appreciated.  
Sincerely,

Trevor Tucker  
Flagler County School Board Member

