

Mr. Agustin J. Barrera, Chairman

SUBJECT: PROPOSED PROMULGATION OF NEW SCHOOL BOARD RULE:
FINAL READING 6Gx13- 8A-1.08, *ALTERNATIVE METHOD FOR
SECURING THE SERVICES OF AN INSPECTOR GENERAL*

COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL RELATIONS

**LINK TO DISTRICT
STRATEGIC PLAN:** ENSURE ADEQUATE AND EFFECTIVE INTERNAL CONTROLS
AND OPERATIONAL EFFICIENCY

At its June 13, 2007 meeting, the School Board approved the initiation of rulemaking proceedings in order to promulgate School Board Rule 6Gx13-8A-1.08, *Alternative Method for Securing the Services of an Inspector General*) that would permit the Board to enter into an interlocal agreement with another governmental agency for the purpose of obtaining the services of an Inspector General from the contracting governmental entity. This rule will provide an alternative means of securing these services to that of the Board hiring its own Inspector General, as delineated under the current Board Rule 6Gx13- 8A-1.07, *Office of Inspector General*.

The Notice of Intended Action was published in the *Miami Daily Business Review* on June 18, 2007, posted in various places for public information, and mailed to various organizations representing persons affected by the new rule and to individuals requesting information.

The time to request a hearing or to protest adoption of his new rule has elapsed.

In accordance with the provisions of the Administrative Procedures Act, this new rule is presented to The School Board of Miami-Dade County, Florida for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the proposed new rule.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt the new School Board Rule 6Gx13- 8A-1.08, *Alternative Method for Securing the Services of an Inspector General*, and authorize the Superintendent to file the new rule with the School Board of Miami-Dade County, Florida, to be effective August 1, 2007.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on June 13, 2007, its intention to promulgate new School Board Rule 6Gx13- 8A-1.08, Alternative Method for Securing the Services of an Inspector General, at its meeting of August 1, 2007.

PURPOSE AND EFFECT: The proposed new rule would provide the District with an alternative means of securing the services of an Inspector General, instead of the method contemplated under School Board Rule 6Gx13- 8A-1.07, *Office of Inspector General*.

SUMMARY: The proposed new rule permits the Board to enter into an interlocal agreement with another governmental entity for the purpose of procuring the services of an Inspector General, rather than by hiring its own Inspector General. The rule also provides that any rules that are in conflict with the interlocal agreement are superseded by the terms of the interlocal.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(23); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: §§ 112.24; 163.01; 1001.32(2); 1001.41(1), (3); 1001.42(10); 1001.43(2), (10), Fla. Stat.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 1, 2007, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by July 10, 2007, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED NEW RULE is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Agustin J. Barrera
Date: June 8, 2007

School Board – Powers and Duties**ALTERNATIVE METHOD FOR SECURING THE SERVICES OF AN INSPECTOR GENERAL**

1. As an alternative method to the selection and employment of an Inspector General for the School Board as contemplated and authorized under School Board Rule 6Gx13- 8A-1.07 (Office of Inspector General), the Board may elect to contract through an interlocal agreement with another governmental entity such as a state agency, county, or municipality to fulfill the role of the Inspector General for the School Board.
2. Such interlocal agreement may contain terms, qualifications, and standards different from those set forth in School Board Rule 6Gx13- 8A-1.07, as long as the terms are consistent with law. If such a contract is executed, the terms of the interlocal agreement would control and supersede School Board Rule 6Gx13-8A-1.07.
3. If the services of an Inspector General are provided through an interlocal agreement, the contract shall specify the organizational and reporting structure and may include an intergovernmental exchange of employees under Fla. Stat. § 112.24, if appropriate and if specified in an interlocal agreement.
4. In the event that the services of an Inspector General are provided through a contract with another government agency, the contract should include a provision setting forth the jurisdiction and scope of the Inspector General's investigations, inspections, audits, and reviews.
5. The Chair of the School Board is authorized to enter into negotiations with the selected governmental entity to obtain an interlocal agreement for the purpose of securing the services of the entity's Inspector General.

REVISED
pursuant
to Board
action on
6/13/07

Specific Authority: §§ 1001.41(2); 1001.42(23); 1001.43(10), Fla. Stat.

Laws Implemented, Interpreted, or Made Specific: §§ 112.24; 163.01; 1001.32(2); 1001.41(1), (3); 1001.42(10); 1001.43(2), (10), Fla. Stat.

History
New:

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA