

Mr. Renier Diaz de la Portilla, Board Member

**SUBJECT: REVIEW OF NEPOTISM RULES BY ETHICS ADVISORY
COMMITTEE**

**COMMITTEE: INNOVATION, EFFICIENCY, AND GOVERNMENTAL
RELATIONS**

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

Various governmental entities including school districts throughout the State of Florida have adopted stringent ethical guidelines with regard to the employment of individuals that have close relationships with elected officials, senior officials, and staff. The adopted ethical code by the various governmental entities and school districts prohibit the influence of the School Board, Superintendent, Cabinet, and employees of the school district in the employment, promotion, transfer, and advancement of relatives, defined as related by blood or affinity, which includes the following: parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family members who reside in the same household.

Similarly, public officials and public employees should be prohibited in managing a relative, and precluded from having influence over the supervision of a relative. Also, the relatives of elected officials should be prohibited from serving as managerial exempt or confidential exempt personnel in the same governmental entity of that elected official. The State of Florida is a prime example of an entity which imposes this ethical standard on its employees. See § 112.3135 of the Florida Statutes, entitled, *Restriction on employment of relatives*. Inexplicably, the State of Florida excludes application of this law to school district employees. However, the State of Kentucky, imposes such a restriction on employees of all its school districts throughout the state, pursuant to KRS § 160.380(2)(e), which prohibits relatives of School Board Members, and Superintendents from being employed in the same school districts as the district in which they serve.

In order to assure the public that the decisions being made by our school district are in good faith and transparent, the Board should consider the adoption of new rules prohibiting nepotism to the highest extent permitted under State law. The School Board's Ethics Advisory Committee is charged with the task of routinely reviewing policies and procedures to ensure our school district adheres to the highest ethical practices. While the School Board already has rules limiting employees from supervising their own relatives at a worksite, further restrictions should be reviewed.

Accordingly, the possibility of adopting higher ethical standards with respect to issues involving nepotism should be reviewed by the Ethics Advisory Committee. After completing its review, the Committee should submit any recommendation(s) to the Miami-Dade School Board at the April 16, 2008 School Board meeting, which may include, the recommendation for the initiation of rulemaking proceedings to adopt stricter nepotism rules.

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

That The School Board of Miami-Dade County, Florida, request that Ethics Advisory Committee address whether School Board rules dealing with nepotism should be amended to include the prohibition of employment of relatives, related by blood or affinity, as defined to include the following: parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family members who reside in the same household of School Board Members, the Superintendent, and Senior Staff. Upon completion of its review, the Ethics Advisory Committee should submit its recommendations to the School Board of Miami-Dade County by the April 16, 2008 regular Board meeting.