

Mr. Renier Diaz de la Portilla, Board Member

**SUBJECT: ETHICS REVIEW ON NEPOTISM**

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

**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 in regards 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 public employee of the school district in the employment, promotion, advancement, transfer, advancement of relatives as defined as related by blood or affinity, this 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 resides in the same household. Similarly, public officials, public members, and public employees should be prohibited in managing a relative, and prohibited in having influence over the manager of a relative. Also, the relatives of elected officials are prohibited to serve as managerial exempt or confidential exempt personnel in the same governmental entity of that elected official. The State of Florida is a prime example; Fl. Statutes 112.3135 implements this ethical standard into state government. Inexplicably, the State of Florida excluded school districts from the law. Other examples include all the School districts in the State of Kentucky through state law KRS 160.380(2)(e), which prohibited relatives of School Board Members, and Superintendents from being employed in the School Districts they serve.

In order to assure the public that the decisions being made are in good faith and transparent, the school district should adopt new rules on nepotism to the highest ethical guidelines consistent to state statutes.

**ACTION PROPOSED BY**

**MR. RENIER DIAZ DE LA PORTILLA:** That The School Board of Miami-Dade County, Florida, initiate rulemaking proceedings, at its September 2008 School Board meeting, and in accordance with the Administrative Procedure Act to amend School Board Rules to prohibit the employment of relatives as defined as related by blood or affinity, this 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 resides in the same household of School Board Members, Superintendent, and Senior Staff into managerial exempt positions.