

Ms. Perla Tabares Hantman, Chair

SUBJECT: ETHICS ADVISORY MODELS

COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENTAL RELATIONS

LINK TO STRATEGIC FRAMEWORK: SCHOOL/DISTRICT LEADERSHIP

In 2001, the Board approved the creation of an ethics commission that would be advisory in nature. This initiative culminated in the formation of the Ethics Advisory Committee (EAC). Over the years the EAC has served us well; however, since its inception the District has adopted a number of additional mechanisms which serve a similar role including the establishment of an Inspector General, the realignment of the Chief Auditor and the Office of Management and Compliance Audits to report directly to the School Board, and the expansion of the duties of the Audit and Budget Advisory Committee to include receipt and review of reports from the Inspector General. Recently, the offices of EAC Chair and Vice-Chair have been vacated and the Chief Auditor resigned from his role as the school district's liaison to the EAC. As such, the Board authorized the exploration of the appropriateness and logistical feasibility of the County's Commission on Ethics and Public Trust (CE&PT) serving as the District's ethics advisory body.

A review of best practices in ethics governance yielded an outline of the key functions of a high quality ethics program. These components include ethics education and training for staff, elected officials and appointees, as well as the existence of an efficient method for the public to report ethical concerns and complaints, have them reviewed, and if necessary, referred to the appropriate authority for investigation.

In conversations with Mr. Joseph Centorino, Executive Director of the CE&PT, it became evident that having that entity serve as the school district's ethics body would likely require an amendment of existing ordinances and/or specific enabling legislation at the state level. Pursuant to Florida law, the Florida Commission on Ethics is the only entity authorized to issue binding opinions involving a School Board/school district.

Mr. Centorino suggested that use of his professional staff to provide training, receive complaints, conduct investigations, and issue advisory opinions, without engaging the CE&PT itself, would also be an option for consideration. Such an arrangement would require the District enter into an Interlocal Agreement and to provide a budget sufficient to support such services, similar to our current arrangement with the Inspector General. Under this scenario, the ultimate responsibility for the enforcement of a penalty for the violation of the District's ethical standards would remain with the School Board.

While such an arrangement is certainly an option, many of the resources necessary to carry out this function already exist within the organizational structure of the District, albeit distributed across a number of departments. This may be an opportunity to streamline this function internally and improve the efficacy of ethics education, investigations, and enforcement of our existing ethics policies.

Therefore, it may be prudent to explore other alternatives for the implementation and enforcement of the District's ethics program. Models which may merit exploration include the creation of an internal "Ethics Officer," with responsibility for promoting honesty, integrity, and transparency. This position would be responsible for establishing a clearinghouse for complaints and concerns, coordinating across investigative offices, and developing and deploying mandatory ethics training for employees and vendors doing business with the District.

This item is presented for the Board's consideration to ascertain which, if any, of these options is in the District's best interests and should be pursued.

ACTION PROPOSED BY CHAIR

PERLA TABARES HANTMAN:

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

- 1) authorize the Chair and Superintendent to develop a plan for consideration by the Board which aligns the Ethics and Accountability functions of the District to provide transparency, ease of public reporting, and the coordination of ethics training, advice, and oversight; and
- 2) in the interim, the School Board Attorney will serve as the liaison to the Ethics Advisory Committee.

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