

Dr. Marta Pérez, Board Member

SUBJECT: SCHOOL BOARD PARTICIPATION IN PERSONNEL ISSUES

COMMITTEE: PERSONNEL, STUDENT, SCHOOL & COMMUNITY SUPPORT

LINK TO STRATEGIC

BLUEPRINT: HIGHLY EFFECTIVE TEACHERS, LEADERS AND STAFF

Board members are frequently approached by acquaintances, constituents, current and/or former school district employees, etc., to recommend individuals for positions in the district. This can be problematic for several reasons, among them:

1. A letter of recommendation from a Board member in the individual's employment application may be misinterpreted as interference in personnel matters;
2. If hired, the appointment may come before the Board for approval, thus creating a potential conflict of interest;
3. Individuals who were not selected for the position may perceive such actions as retaliation. This can have a demoralizing effect and can give rise to unfounded claims of unfair labor practices; and
4. Places the Board member in a compromising position.

The Florida School Boards Association cautions Board members to distance themselves from personnel matters. Other local governments have prudently inserted strong language in their policies that prohibit direct or indirect participation by elected officials in personnel matters. For example, Miami-Dade County's Home Rule Charter, Section 5.09 reads:

"No Commissioner shall direct or request the appointment of any person to, or his or her removal from, office by any subordinate of the Mayor, or take part in the appointment or removal of officers and employees in the administrative services of the County, nor shall any subordinate of the Mayor accede to such direction or request."

Moreover, Florida Statutes afford Superintendents the authority to make personnel recommendations, exercise control over personnel matters, and limits Board members' involvement in the assignment and appointment of school district personnel. Generally, School Boards may only reject employment recommendations for "good cause," which amounts to either a lack of professional qualifications or evidence of moral turpitude.

Accordingly, it is in the best interests of the District to have language in policy that protects the Board from allegations of favoritism or cronyism.

This item has been reviewed and approved by the School Board Attorney's office as to form and legal sufficiency.

**ACTION PROPOSED BY
DR. MARTA PEREZ:**

That The School Board of Miami-Dade County, Florida, direct the Superintendent to initiate rulemaking procedures to include language in Board policy that expressly limits Board Members involvement in personnel matters, including limiting letters of recommendation for District employment from Board members to those instances where the individual being recommended worked with or was previously under the supervision of the Board member, or where the Board member has direct personal knowledge of the individual's work performance.