

Ms. Perla Tabares Hantman, Member

SUBJECT: THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA DIRECT THE SUPERINTENDENT AND BOARD ATTORNEY TO INITIATE RULEMAKING OR AMEND EXISTING BOARD RULES GOVERNING THE ADHERENCE TO THE CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES AND THE STRICT AVOIDANCE OF ETHICAL CONFLICTS OF INTEREST

COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND PERSONNEL SERVICES

In 1974, the Florida Legislature created the Commission on Ethics to serve as guardians of the standards of conduct of public officers and employees. The "Code of Ethics for Public Officers and Employees" is set forth in Chapter 112 of the Florida Statutes. This chapter of the Florida Statutes regulates the conduct for School Board members and employees of the district. In 1986, the School Board promulgated policy governing Board member conduct and adherence to the "Code of Ethics" in School Board Rule 6Gx13-8A-1.041. Subsequently last year, the Board set forth policy for the ethical conduct of its permanent personnel in School Board Rule 6Gx13-4A-1.212. This Board rule provides that School Board employees are governed by the "Code of Ethics" and by certain other statutes in the School Code. Both rules are provided to the Board under separate cover.

While the Board rule governing district employees provides some limited guidance for the conduct of certain managerial employees upon termination of employment with the Board, it does not provide specific guidance for all employees, nor does it serve to notify the employees of the provisions of the Code, the standards for ethical behavior expected of them while employed by the district and the penalties associated with violations of the Board rule and the Code. It is recommended that this Board rule be amended to provide greater specificity in these areas. Additionally, it is recommended that the Board rule contain a provision that all district employees upon initial hire, and thereafter annually, sign a document certifying that they will abide by Board policy in this area as well as requiring the self-reporting of any relationship that may implicate a potential conflict of interest.

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Other Board rules also may need to be revised or amended to coincide with Board policy on the adherence to the Code of Ethics and the strict avoidance of ethical conflicts of interest. For example, the Audit Committee recommended that School Board Rule 6Gx13-4A-1.18, Assignment - - Members of Same Family, be amended to require notification by administrative supervisors who authorize payroll or evaluate performance for relatives at the same work location and for penalties associated with the failure to do so.

**ACTION PROPOSED BY
PERLA TABARES HANTMAN:**

That The School Board of Miami-Dade County, Florida direct the Superintendent and Board Attorney to initiate rulemaking or amend existing Board rules governing the adherence to the Code of Ethics for public officers and employees and the strict avoidance of ethical conflicts of interest by the August 20, 2003 Board meeting.

ADDED