

Agustin J. Barrera, Chairman

**SUBJECT: PROPOSED PROMULGATION OF NEW SCHOOL BOARD
RULE: INITIAL READING 6Gx13- 8A-1.08, ALTERNATIVE
METHOD FOR SECURING THE SERVICES OF AN
INSPECTOR GENERAL**

**LINK TO DISTRICT
STRATEGIC PLAN: ENSURE ADEQUATE AND EFFECTIVE INTERNAL
CONTROLS AND OPERATIONAL EFFICIENCY**

On June 7, 2007, the School Board held a workshop to consider possible future options with respect to the operations of the District's Inspector General. At the conclusion of the workshop, it was consensus of the Board, that the District, as an alternative to hiring its own Inspector General, explore the possibility of entering into an Interlocal Agreement with Miami-Dade County to secure the services of the County's previously established Office of the Inspector General.

It was also the consensus of the Board, that a new Board Rule be presented at the June 13, 2007 School Board meeting, which would allow the Board the flexibility of contracting with another governmental entity to provide the services of an Inspector General. Accordingly, this item is submitted for consideration by the Board to promulgate this new Board Rule that would provide an alternative means of obtaining the services of an Inspector General for the District.

The proposed new rule permits the Board to enter into an interlocal agreement with another governmental entity for the purpose of procuring the services of that entity's Inspector General, rather than by hiring its own Inspector General as contemplated under School Board Rule 6Gx13- 8A-1.07 , *Office of Inspector General*.

Attached are the Notice of Intended Action and the proposed new rule.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the promulgation of a new School Board Rule 6Gx13- 8A-1.08, *Alternative Method for Securing the Services of an Inspector General*.

This item does not appear in the published Agenda. There exists good cause to vary from the published Agenda to begin the rulemaking process in order to afford sufficient time for the School Board and the Board of County Commissioner's to review and consider the feasibility of an Interlocal Agreement.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to promulgate a new School Board Rule 6Gx13- 8A-1.08, *Alternative Method for Securing the Services of an Inspector General*.

**GOOD CAUSE
H-12**

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on June 13, 2007, its intention to promulgate new School Board Rule 6Gx13- 8A-1.08, Alternative Method for Securing the Services of an Inspector General, at its meeting of August 1, 2007.

PURPOSE AND EFFECT: The proposed new rule would provide the District with an alternative means of securing the services of an Inspector General, instead of the method contemplated under School Board Rule 6Gx13- 8A-1.07, *Office of Inspector General*.

SUMMARY: The proposed new rule permits the Board to enter into an interlocal agreement with another governmental entity for the purpose of procuring the services of an Inspector General, rather than by hiring its own Inspector General. The rule also provides that any rules that are in conflict with the interlocal agreement are superseded by the terms of the interlocal.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(23); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: §§ 112.24; 163.01; 1001.32(2); 1001.41(1), (3); 1001.42(10); 1001.43(2), (10), Fla. Stat.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 1, 2007, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by July 10, 2007, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED NEW RULE is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Agustin J. Barrera
Date: June 8, 2007

School Board – Powers and Duties**ALTERNATIVE METHOD FOR SECURING THE SERVICES OF AN INSPECTOR GENERAL**

1. As an alternative method to the selection and employment of an Inspector General for the School Board as contemplated and authorized under School Board Rule 6Gx13- 8A-1.07 (Office of Inspector General), the Board may elect to contract through an interlocal agreement with another governmental entity such as a state agency, county, or municipality to fulfill the role of the Inspector General for the School Board.
2. Such interlocal agreement may contain terms, qualifications, and standards different from those set forth in School Board Rule 6Gx13- 8A-1.07, as long as the terms are consistent with law. If such a contract is executed, the provisions of Board Rule 6Gx13- 8A-1.07 would be inapplicable to the extent that they differ from the terms of the interlocal agreement. The terms of the interlocal agreement would control and supersede any differing or conflicting terms in any other School Board Rule, including Board Rule 6Gx13- 8A-1.07.
3. If the services of an Inspector General are provided through an interlocal agreement, the contract shall specify the organizational and reporting structure and may include an intergovernmental exchange of employees under Fla. Stat. § 112.24, if appropriate and if specified in an interlocal agreement.
4. In the event that the services of an Inspector General are provided through a contract with another government agency, the contract should include a provision setting forth the jurisdiction and scope of the Inspector General's investigations and audits (as opposed to investigations that would more properly fall within the jurisdiction of an investigative unit of the District or the District Auditor) to reduce the possibility of duplication of effort and expenditure of limited resources.

Specific Authority: §§ 1001.41(2); 1001.42(23); 1001.43(10), Fla. Stat.

Laws Implemented, Interpreted, or Made Specific: §§ 112.24; 163.01; 1001.32(2); 1001.41(1), (3); 1001.42(10); 1001.43(2), (10), Fla. Stat.

History

New:

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA