

Office of School Board Attorney  
Walter J. Harvey, School Board Attorney

**SUBJECT:** **FINAL** **READING: PROMULGATION OF SCHOOL BOARD POLICIES  
1135, 3135, AND 4135, PERSONNEL INVESTIGATIONS**

**COMMITTEE:** **PERSONNEL, STUDENT, SCHOOL & COMMUNITY SUPPORT**

**LINK TO  
STRATEGIC  
BLUEPRINT:** **HIGHLY EFFECTIVE TEACHERS, LEADERS AND STAFF**

At its October 2, 2019, regular meeting, the Board approved Agenda Item G-2 (“Initial Reading: Promulgation of School Board Policies 1135, 3135, and 4135, *Personnel Investigations*”) authorizing the initiation of rulemaking procedures to incorporate the Personnel Investigative Model (“PIM”) into Board Policy. This action was precipitated by the Board’s adoption at its April 17, 2019 meeting, of Agenda Item H-16 (“Review of Current Procedures and Staffing Needs for the Personnel Investigative Model (PIM) Including any School Board Policies which may be Related or Associated with the Personnel Investigative Model”), presented by Ms. Maria Teresa Rojas, Board member.

In accordance with Item H-16, at the September 4, 2019 Board meeting, the Board approved Agenda Item D-22 (“Request that the School Board of Miami-Dade County, Florida Approve the Recommended Revisions to the Personnel Investigative Model (PIM)”).

Included among the recommended actions of Agenda Item H-16 approved by the Board was the initiation of rulemaking proceedings to include reference to the PIM in Board policy upon completion of the review and revision of the PIM. Consistent with the Board’s recent adoption of the revisions to the PIM at its September 4, 2019, meeting, this item is presented to codify these revisions by incorporating by reference the Personnel Investigative Model into Board Policy.

The Notice of Intended Action was published in the Miami Daily Business Review on October 7, 2019, and posted in various places for public information and mailed to various organizations representing persons affected by the new Policies and to individuals requesting notification. The time to request a hearing or protest the adoption of these policies has elapsed.

Attached is the Notice of Intended Action and proposed new Policies 1135, 3135, and 4135, *Personnel Investigations*.

**RECOMMEND:** That The School Board of Miami-Dade County, Florida, adopt the proposed new Policies 1135, 3135, and 4135, *Personnel Investigations*, and authorize the Superintendent to file the new policies with the School Board of Miami-Dade County, Florida, to be effective November 20, 2019.

**NEW POLICY**

**PERSONNEL INVESTIGATIONS**

The School Board strives to ensure that personnel investigations are impartial, objective, and timely, and that employees have the opportunity to receive, review and respond to conclusions reached through the personnel investigative process.

In conducting personnel investigations, the District shall follow the procedures delineated in the Personnel Investigative Model (PIM), which is incorporated into this policy by reference, to ensure that school district employees are afforded due process and appropriate notice of any allegations that would subject the employee to discipline or dismissal from employment.

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## **NOTICE OF INTENDED ACTION**

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 2, 2019, its intention to promulgate Board policies 1135, 3135, and 4135, *Personnel Investigations*, at its regular meeting of November 20, 2019.

**PURPOSE AND EFFECT:** The promulgation of Board policies 1135, 3135, and 4135, *Personnel Investigations* is being recommended to incorporate by reference the revised *Personnel Investigative Model* that was approved by the Board at its meeting of September 4, 2019. These policies seek to “ensure that personnel investigations are impartial, objective, and timely, and that employees have the opportunity to receive, review, and respond to conclusions reached through the personnel investigative process.

**SUMMARY:** The proposed new policies require that in conducting personnel investigations, the school district will adhere to the procedures outlined in the *Personnel Investigative Model*, which is incorporated by reference in these Board policies.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** 1001.41(1), (2); 1001.42 (6), (15), (28); 1001.43 (10), (11); 1001.49 (3), F.S.

**LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC:** 1001.43 (11); 1012.23 (1); 1012.31, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING on November 20, 2019, 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 in Section 120.54(1), F.S., must do so in writing by October 29, 2019, to the Superintendent, 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, F.S.

COPIES OF THE PROPOSED NEW AND AMENDED POLICIES are available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 N.E. Second Avenue, Miami, Florida 33132.