

Office of the General Counsel  
Walter J. Harvey, General Counsel

**SUBJECT:** **FINAL READING: PROPOSED AMENDMENTS TO SCHOOL BOARD POLICIES 0141.1, STUDENT ADVISOR TO THE BOARD, 0141.2, CONFLICT OF INTEREST, 1030, SUPERINTENDENT OF SCHOOLS, 1120, EMPLOYMENT OF ADMINISTRATORS, 3120, EMPLOYMENT OF INSTRUCTIONAL PERSONNEL, AND 4120, EMPLOYMENT OF SUPPORT STAFF**

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

**LINK TO STRATEGIC PLAN:** **SAFE, HEALTHY & SUPPORTIVE LEARNING ENVIRONMENTS**

Consistent with the Board's statutory responsibility to review and update policies to conform to legislative changes and District practices, authorization is requested for the Superintendent to amend Board Policies 0141.1, *Student Advisor to the Board*, 0141.2, *Conflict of Interest*, 1030, *Superintendent of Schools*, 1120, *Employment of Administrators*, 3120, *Employment of Instructional Personnel*, and 4120, *Employment of Support Staff*.

Board Policy 0141.1, *Student Advisor to the Board*, is proposed for amendment pursuant to Board Agenda Item H-3, *Explore Feasibility of Revising the Orientation Component of School Board Policy 0141.1 (Student Advisor to the Board)*, sponsored by Board Vice Chair, Dr. Lubby Navarro, and approved by the Board at its regular meeting of October 19, 2022. The proposed revisions implement the recommendations to provide for additional orientation, ongoing membership, and a liaison for the student advisor in the Office of the Superintendent. Additionally, the proposed revisions provide a description of the role of the student advisor, as recommended by Agenda Item H-21, *Student Advisor of Miami-Dade County Public Schools*, sponsored by Board Member Dr. Dorothy Bendross-Mindingall and approved by the Board at its regular meeting of August 18, 2021.

Board Policies 0141.2, *Conflict of Interest*, and 1030, *Superintendent of Schools*, are proposed for amendment pursuant to HB 7001 (2022) amending the Florida Code of Ethics, F.S., Sections 112.3121 and 112.3122, to conform with Article II, Section 8(f) of the Florida Constitution prohibiting Board Members and the Superintendent from lobbying any governmental entity during their tenure, and prohibiting them from lobbying the District or the School Board for six (6) years after they vacate their position as Board Member or Superintendent.

Policies 1120, *Employment of Administrators*, 3120, *Employment of Instructional Personnel*, and 4120, *Employment of Support Staff*, are proposed for amendment pursuant to SB 2524 (2022) amending F.S. 1012.315, *Screening standards*, to clarify that a person is ineligible for employment

if the person would be ineligible for an exemption under F.S. 435.07, *Exemptions from disqualification*.

The policy amendments were drafted in collaboration with, and reviewed by the Superintendent, Cabinet, and District staff. The Notice of Intended Action and policies with strikethroughs and underlines are attached.

The Notice of Intended Action was published in the Miami Daily Business Review on December 19, 2022 and posted in various places for public information and mailed to various organizations representing persons affected by the adopted and amended Board policies and individuals requesting notification. The time to request a hearing or protest the adoption and amendment of these policies has elapsed.

**RECOMMENDED:**

That The School Board of Miami-Dade County, Florida, amend Board Policies 0141.1, *Student Advisor to the Board*, 0141.2, *Conflict of Interest*, 1030, *Superintendent of Schools*, 1120, *Employment of Administrators*, 3120, *Employment of Instructional Personnel*, and 4120, *Employment of Support Staff*, and authorize the Superintendent to file the policies with The School Board of Miami-Dade County, Florida, to be effective January 18, 2023.

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on December 14, 2022, its intention to amend Board Policies 0141.1, *Student Advisor to the Board*, 0141.2, *Conflict of Interest*, 1030, *Superintendent of Schools*, 1120, *Employment of Administrators*, 3120, *Employment of Instructional Personnel*, and 4120, *Employment of Support Staff*, at its meeting of January 18, 2023.

PURPOSE AND EFFECT: Board Policies 0141.1, *Student Advisor to the Board*, 0141.2, *Conflict of Interest*, 1030, *Superintendent of Schools*, 1120, *Employment of Administrators*, 3120, *Employment of Instructional Personnel*, and 4120, *Employment of Support Staff*, are proposed for amendment as a result of statutory amendments and Board action.

SUMMARY Board Policy 0141.1, *Student Advisor to the Board*, is proposed for amendment pursuant to implement the Board's recommendations to provide for additional orientation, ongoing membership, and a liaison for the student advisor in the Office of the Superintendent. Additionally, the proposed revisions provide a description of the role of the student advisor, as recommended and approved by the Board. Policies 0141.2, *Conflict of Interest*, and 1030, *Superintendent of Schools*, are proposed for amendment pursuant to HB 7001 (2022) amending the Florida Code of Ethics, F.S., Sections 112.3121 and 112.3122, to conform with Article II, Section 8(f) of the Florida Constitution prohibiting Board Members and the Superintendent from lobbying any governmental entity during their tenure, and prohibiting them from lobbying the District or the School Board for six (6) years after they vacate their position as Board Member or Superintendent. Policies 1120, *Employment of Administrators*, 3120, *Employment of Instructional Personnel*, 4120, *Employment of Support Staff*, are proposed for amendment pursuant to SB 2524 (2022) amending F.S. 1012.315, *Screening standards*, to clarify that a person is ineligible for employment if the person would be ineligible for an exemption under F.S. 435.07, *Exemptions from disqualification*.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: Fla. Stat. ss. 1001.41(1), (2); 1001.42(5), (6), (8); 1001.43(10), (11).

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: Fla. Stat. ss. 112.3121; 112.3122; 435.12; 1012.315; 1012.32.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF January 18, 2023, 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 January 13, 2023, 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, Florida Statutes)

COPIES OF THE PROPOSED AMENDED POLICY are 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.



Book	Policy Manual
Section	January 18, 2023 - <u>Final</u> Reading
Title	STUDENT ADVISOR TO THE SCHOOL BOARD
Code	0141.1
Status	<u>Final</u> Reading

### 0141.1 - **STUDENT ADVISOR TO THE SCHOOL BOARD**

The student advisor to the School Board shall participate in School Board meetings and represent the interests of the Miami-Dade County Public Schools' District Student Government Association (DSGA) and the student body to the School Board. The student advisor shall be elected by the Miami-Dade County Association of Student Government Presidents. The Office of the Superintendent~~Curriculum and Instruction Department~~ will provide the each new student advisor materials on the functions of the School Board and its role in the school system, provide ongoing mentorship, and assign a District-level liaison for the student advisor in the Office of the Superintendent.

#### **I. Eligibility**

To be elected, a student advisor candidate:

- A. Must have attended a minimum of two (2) regularly scheduled monthly meetings of the DSGA ~~Miami-Dade County Student Government Association~~ during the prior school year;
- B. Must have maintained and continue to maintain an unweighted minimum grade point average of 3.0, have no "F"s as final grades, and no conduct grade below a "C;"
- C. Must be able to take an Executive Internship with the advisor to ~~the Miami-Dade County Student Government Association~~ DSGA during the school year.

#### **II. Orientation**

Following the election of the student advisor, the student advisor will meet with:

- A. The District-level liaison in the Office of the Superintendent, who will provide the student advisor with an orientation on how School Board meetings are conducted

and how the student advisor's tasks should be accomplished;

~~B. The Board members and their administrative assistants on an individual basis to discuss their perceptions of the role of the student advisor;~~

~~C. The Superintendent and senior staff to obtain an understanding of the organization of the school system; and~~

~~D. Other staff members based upon the recommendation of the Board members, the Superintendent, and the administrative assistants to obtain an in-depth understanding of the various departments and offices.~~

### **III. Duties**

The student advisor shall:

A. Serve as official liaison between the Board and the students enrolled in the District;

B. Act as a public representative of the students of the District at various conferences, meetings, and ceremonies;

C. Attend as many monthly Board meetings as possible and sit on the dais;

~~D. Attend Miami Dade County Student Government and Executive Board meetings;~~

~~E.D. Read, research, and obtain answers to questions related to Board agenda items; and~~

~~E. Review publications and disseminate information regarding items of interest to the student population.~~

~~F. Attend DSGA Executive Board meetings to share School Board agenda items of student interest.~~

~~F.G. Meet monthly with the DSGA to ensure that School Board items of interest are discussed with the full DSGA and receive input from the DSGA as to how the student advisor will support the student voice on School Board-related items.~~

### **Orientation**

~~Following the election of the Student Advisor, the Student Advisor will meet with:~~

~~A. the Board members and their administrative assistants on an individual basis to discuss their perceptions of the role of the Student Advisor;~~

~~B.A. the Superintendent and senior staff to obtain an understanding of the organization of the school system;~~

~~C.A. other staff members based upon the recommendation of the Board members, the Superintendent, and the administrative assistants to obtain an in-depth understanding of the various departments and offices; and~~

~~D.A. \_\_\_\_\_ individual senior high school student councils in order to obtain an understanding of their ideas and concerns. Schools in each region should be visited on a rotating basis.~~

Effective 7/1/11

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Adoption Date: **05.11**

Classification:

Revised Dates: †

Legal \_\_\_\_\_ F.S. 1001.43

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Book	Policy Manual
Section	January 18, 2023 - <u>Final</u> Reading
Title	CONFLICT OF INTEREST
Code	0141.2
Status	<u>Final</u> Reading

## 0141.2 - **CONFLICT OF INTEREST**

School Board members are governed by the Florida Constitution, the Code of Ethics for Public Officers and Employees, Part III of F.S. Chapter 112, other statutes in the school code, and the Florida Commission on Ethics. Board members and the Superintendent shall participate in four (4) hours of ethics training each calendar year as specified by law (F.S. 112.3145, C.O.E. 34-7.0251)

### I. Constitutional and Statutory Mandates

The following is a summary of the Constitutional and statutory mandates. They are not definitive rules and the statute must be consulted for applicable definitions and for exemptions.

#### A. Standards of Conduct

##### 1. Gifts

No Board member may either solicit or accept anything of value - including a gift, loan, reward, promise of future employment, favor, or service - that is based on any understanding that the vote, official action, or judgment of the Board member would be influenced by such gift.

##### 2. Other Prohibited Gifts

No Board member may solicit any gift, food, or beverage from a person, vendor, potential vendor, any other entity doing business with the Board, political committee or committee of continuous existence, or from a lobbyist who lobbies the Board (or the partner, firm, employer, or principal of the lobbyist). No Board member or any person on behalf of the Board member may knowingly accept, directly or indirectly, a gift from a person, vendor, potential vendor, any other entity doing business with the Board, political committee or committee of continuous existence, or from a lobbyist who lobbies the Board (and related individuals and entities, including, but not limited to, the partner, firm, employer, or principal of the lobbyist), if the

Board member knows or reasonably believes the gift has a value in excess of \$100 - unless the gift is accepted on behalf of and transferred promptly to a governmental entity or a charitable organization, or is given to the Board member by a governmental entity for a public purpose. Gifts from relatives and gifts associated primarily with the recipient's employment or business are not prohibited. Food or beverage consumed at a single sitting or event may be accepted.

"Vendor" is defined as a business entity doing business directly with the Board, such as renting, leasing, or selling realty, goods, or services.

### 3. Honoraria

No Board member may solicit an honorarium related to the member's public office or duties. No Board member may knowingly accept, directly or indirectly, an honorarium from a person, vendor, potential vendor, any other entity doing business with the Board, a political committee or committee of continuous existence, or from a lobbyist who lobbies the Board (and related individuals and entities, including, but not limited to, the employer, principal, partner, or firm of the lobbyist). Actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event for a Board member and spouse may be accepted.

"Vendor" is defined as a business entity doing business directly with the Board, such as renting, leasing, or selling realty, goods, or services.

### 4. Unauthorized Compensation

No Board member or his/her spouse or minor child may accept any compensation, payment, or thing of value which, with the exercise of reasonable care, is known or should be known to influence the vote or official action of such Board member.

### 5. Doing Business with One's Agency

No Board member acting in his/her official capacity may, directly or indirectly, purchase, rent, or lease any realty, goods, or services from a business entity in which the Board member, his/her spouse, or child is an officer, partner, director, or proprietor, or in which the Board member, his/her spouse, or child (or any combination of them) owns a material interest. Nor may a Board member, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the Board or any of its agencies.

### 6. Misuse of Public Position

No Board member may corruptly use or attempt to use his/her official position or any property or resource within his/her trust, or perform his/her official duties, to obtain a special privilege, benefit, or exemption for the Board member or others.

### 7. Disproportionate Benefit

Board members are prohibited from abusing their position in order to obtain a "disproportionate benefit" for themselves, their spouse, children, employer, or entities with which they have certain business interests. A disproportionate benefit means a benefit, privilege, exemption or result arising from an act or omission by a public officer that is inconsistent with the proper performance of their public duties.

#### 8. Disclosure or Use of Certain Information

No Board member may disclose or use information not available to the general public and gained by reason of his/her public position for his/her personal benefit or the benefit of others.

#### 9. Employees Holding Office

No Board employee may be a member of the Board while simultaneously continuing as an employee.

### B. Voting Conflicts

A Board member is prohibited from voting in an official capacity on any matter which would inure to his/her special gain or loss, or to the special gain or loss of a principal by whom s/he is retained, or to the parent organization or subsidiary of a corporate principal by which s/he is retained, or to the special gain or loss of a relative or business associate. Prior to the vote, the Board member shall publicly state to the assembly the nature of the Board member's interest in the matter from which the member must abstain from voting. The Board member shall make every reasonable effort to disclose the nature of the Board member's interest as a public record in a memorandum filed with the Board's recording secretary. If it is not possible for the Board member to file a memorandum before the vote, the memorandum must be filed within fifteen (15) days with the Board's recording secretary.

A Board member may abstain from voting in the context of a quasi-judicial proceeding if the abstention is to assure a fair proceeding free from potential bias or prejudice. See Policy 0167, Voting.

### C. Instructional Materials

No Board member shall accept anything of value or any inducement to introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material.

### D. Textbooks

No Board member shall receive any gift or compensation for promoting the sale or exchange of any schoolbook, map, or chart in any public school, or be an agent for the sale, or the publisher of any school textbook or reference work, or be pecuniarily interested in the introduction of any such textbook.

### E. No contract for supplying materials, supplies, and services needed for the District school system shall be made with any member of the Board, with the Superintendent, or with any business organization in which any Board member or the Superintendent has any financial interest whatsoever.

## II. **Additional Provisions**

- A. Board members shall accept no gifts from any individual, firm, or business entity which the Board member has reason to believe is doing business with or seeking to do business with the District. Meals and admissions to events which relate directly to the school system may be accepted.
- B. Board members shall not participate in trips paid by a vendor or potential vendor for the purpose of inspecting products or programs useful to the District. Such trips, if deemed necessary, shall always be made at District expense and approved by the Board at a public meeting.
- C. Board members, their spouses, or campaign committees shall not solicit any vendor or any employee of this District to make contributions to any political campaign or testimonial.
- D. Board members shall not solicit nor accept personal discounts on merchandise or services from individuals, firms, or business entities which the Board member has reason to believe are doing business with or seeking to do business with this District unless those discounts are available to the general public.
- E. No Board member may recommend the services of any lawyer or law firm, architect or architectural firm, public relations firm, or any other person or firm, professional or otherwise, to assist in any transaction involving the District, unless the recommendation is made at a public meeting of the Board.
- F. Board members shall not lobby for compensation on issues of policy, appropriations, or procurement before the federal government, the legislature, any state government body or agency, or any political subdivision of this state, during his or her term of office. Board members are prohibited from acting as an agent or attorney for compensation for anyone in connection with any matter in which the District is interested and shall not lobby the District or School Board for two (2) six (6) years after their Board service terminates, as set forth in Article II, Section 8(f) of the Florida Constitution, F.S. 112.3121, and F.S. 112.3122, unless subject to the exceptions set forth therein.

## III. **Guidelines for Avoidance of Conflict of Interest**

The following guidelines are intended to avoid conflicts of interests or the appearance of conflict as it relates to personal purchases or private contracting. These guidelines do not apply to purchases made in a private capacity of goods or services at a price and upon terms available to similarly situated members of the general public.

- A. When entering into a transaction or contractual relationship as described above, Board members will make the following inquiries to the entity with whom they are contracting:
  - 1. Does the business entity have a contractual relationship with the Board for more than \$500?

2. Is the contracting individual a principal or employee of an entity with a contractual relationship with the Board for more than \$500?

- B. If an affirmative answer is given to either inquiry above, the Board member will request from the General Counsel a written opinion indicating whether contracting with the individual or entity would constitute a conflict of interest pursuant to Code of Ethics for Public Officers and Employees, or other State statute or Board rule. The General Counsel will issue a written opinion or will refer the Board member to the Florida Commission on Ethics.
- C. Clarification and opinions regarding the application of the Code of Ethics for Public Officers and Employees can be obtained at any time from the Florida Commission on Ethics.

Effective 7/1/11  
Revised 9/3/13  
Revised 6/18/14  
Revised 10/21/20

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Legal References:

- F.S. 112.313(2)
- F.S. 112.313(3)
- F.S. 112.313(4)
- F.S. 112.313(6)
- F.S. 112.313(8)
- F.S. 112.313(10)
- F.S. 112.3148
- F.S. 112.3149
- F.S. 112.3143
- F.S. 286.012
- F.S. 1001.42
- F.S. 1006.32
- F.S. 1006.32(8)
- [Fla. Const. art. II, § 8](#)
- [F.S. 112.3121 - 3122](#)

Adoption Date: **05.11**  
Classification:  
Revised Dates: ; **10.20**



Book	Policy Manual
Section	January 18, 2023 - <u>Final</u> Reading
Title	SUPERINTENDENT OF SCHOOLS
Code	1030
Status	<u>Final</u> Reading
Adopted	May 11, 2011
Last Revised	December 15, 2021

## 1030 - **SUPERINTENDENT OF SCHOOLS**

### **Responsibilities and Duties**

The Superintendent, as secretary and executive officer of the School Board, shall be responsible for the administration and management of the District's schools and for the supervision of instruction.

The Superintendent shall enforce the rules of the State Board of Education, rules of the Florida Department of Education, and the policies of this Board.

#### **I. Authority**

The Superintendent shall provide educational direction for the instructional staff and supervision for the support staff. Florida law grants to the Superintendent the following powers:

- A. exercise general oversight over the District to determine problems and needs, and recommend improvements.
- B. advise and counsel with the Board on all educational matters and make recommendations to the Board for action regarding such matters as should be acted upon.
- C. recommend to the Board policies necessary for more efficient operation of the District.
- D. prepare and submit to the Board policies to supplement those rules adopted by the State Board of Education that will contribute to the efficient operation of the District, and, upon adoption by the Board, require compliance with these policies.
- E. from time-to-time prepare, organize, and submit to the Board necessary minimum standards for District operations to supplement standards of the State Board of Education and upon adoption by the Board, require that these standards are observed.
- F. perform duties and exercise responsibilities that are assigned to the Superintendent by law and rules of the State Board of Education.

#### **II. Duties and Responsibilities**

The Superintendent shall perform the duties and responsibilities in Florida law, including, but not limited to, the following:

- A. require all instructional staff members and school administrators to participate in training on the District's standards of ethical conduct and the related policies and procedures upon employment and annually thereafter;
- B. make recommendations, nominations, proposals, and reports required by law to be acted upon by the Board;

- C. keep the Board informed of District operations by preparing Board agendas, providing oral and written communication, scheduling management meetings, and requesting special Board meetings that become necessary to keep the Board properly informed;
- D. require that all aspects of District operations comply with State laws and regulations as well as Board contracts and policies;
- E. require that all laws, rules of the State Board of Education, and Board policies are followed;
- F. prepare and submit the annual budget to the Board for adoption and direct all expenditures within the appropriations adopted by the Board;
- G. direct the work of all personnel according to Florida, Federal law, and Board policies;
- H. recommend measures to the Board so that adequate educational facilities are available throughout the District;
- I. prepare reports to the Board and inform the public on the conditions and needs of the schools;
- J. assign staff to their respective teaching duties;
- K. work cooperatively with parents and community groups concerned with programs in the schools;
- L. participate in conferences and courses of continuing professional education;
- M. authorize administrators to enter into agreements with consultants;
- N. delegate authority to staff in any matters when it becomes expedient to do so, and assume full responsibility for the execution and satisfactory completion of the delegated activities;
- O. recommend to the Board an annual plan for instructional programs; and
- P. authorize changes or exceptions as necessary for implementing the instructional program.

### III. Code of Ethics and Standards of Ethical Conduct

The Superintendent is subject to the Florida Constitution provisions governing public employees, the Code of Ethics for Public Officers and Employees, Part III of F.S. Chapter 112, other applicable statutes in the school code and as summarized in Bylaw 0141.2, *Conflict of Interest*, and Bylaw 0141.3, *Conflicting Employment or Contractual Relationships*.

The Superintendent recognizes their individual duty to promote the best interests of the District. In doing so, the Superintendent shall be guided by the *Principles of Professional Conduct for the Educational Profession in Florida*, F.A.C. 6A-10.081, which outlines the following general ethical principles:

- A. The Superintendent values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn, to teach, and the guarantee of equal opportunity for all.
- B. The Superintendent shares a primary professional concern for the student and for the development of student potential. The Superintendent will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.
- C. The Superintendent will strive to achieve and sustain the highest degree of ethical conduct and will comply with applicable statutory provisions of Chapter 112, F.S., Code of Ethics for Public Officers and Employees, and Bylaw 0141.1, *Conflict of Interest*, and Bylaw 0141.3, *Conflicting Employment or Contractual Relationship*.

The Superintendent shall participate in training annually on the standards of ethical training established in this bylaw which may be included in the four (4) hours of ethics training required under Bylaw 0141.1 and F.S. 112.3145. **The Superintendent shall not lobby for compensation on issues of policy, appropriations, or procurement before the federal government, the legislature, any state government body or agency, or any political subdivision of this state, during his or her term as Superintendent, and shall not lobby the District or School Board for six (6) years after his or her service terminates, as set forth in Article II, Section 8(f) of the Florida Constitution, F.S. 112.3121, and F.S. 112.3122, unless subject to the exceptions set forth therein.**

### IV. Reporting

Pursuant to Florida law, the Superintendent shall not knowingly sign and transmit to any State official a report that the

Superintendent knows to be false or incorrect.

The Superintendent may not knowingly sign or transmit to any state official a report of alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student which the Superintendent knows to be false or incorrect, or knowingly fail to adopt policies that require instructional personnel and school administrators to report alleged misconduct by instructional personnel and school administrators, or that require the investigation of all reports of alleged misconduct by instructional personnel and school administrators if the misconduct affects the health, safety, or welfare of a student

In accordance with Policy 8141, *Mandatory Reporting of Misconduct by Employees*, and Florida law, the Superintendent shall investigate any allegation of misconduct by District employees that affects the health, safety or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student, and shall report the alleged misconduct to the Florida Department of Education as required under Florida law. The Superintendent shall report to law enforcement agencies with jurisdiction any misconduct that would result in disqualification from educator certification or employment as set forth in F.S. 1012.315. Any district school superintendent who knowingly signs and transmits to any state official a report that the superintendent knows to be false or incorrect; who knowingly fails to complete the investigation of any allegation of misconduct that affects the health, safety, or welfare of a student, that would be a violation of F.S. 800.101, or that would be a disqualifying offense under F.S. 1012.315, or any allegation of sexual misconduct with a student; who knowingly fails to report the alleged misconduct to the department as required in F.S. 1012.796; or who knowingly fails to report misconduct to the law enforcement agencies with jurisdiction over the conduct pursuant to district school board policy under F.S. 1001.42(6), forfeits his or her salary for one (1) year following the date of such act or failure to act.

**Administrators shall keep all records and reports as required by F.S. 1001.51(12), Board policies, rules and procedures, and/or as the Superintendent may deem necessary for the effective administration of the schools/departments. Such records and reports shall include any determination to withhold from a parent information regarding the provision of any services to support the mental, physical, or emotional well-being of the parent's minor child. Any such determination must be based solely on child-specific information personally known to the school personnel and documented and approved by the Principal. Such determination must be annually reviewed and redetermined. Administrators shall be responsible to the Superintendent for the accurate and prompt submission of all reports, whether developed by an employee or by the administrator. All reports shall be officially reviewed by the immediate supervisor and brought up to date by the employee before a resigning or retiring administrator receives final pay.**

#### **V. Assignment or Employment of Relatives**

Pursuant to F.S. 1012.23(2), the Superintendent may not appoint or employ a relative, as defined in F.S. 112.3135, to work under their direct supervision. This limitation does not apply to employees appointed or employed before the appointment of the Superintendent. The Commission on Ethics shall accept and investigate any alleged violations of this provision pursuant to the procedures contained in F.S. 112.322-112.3241.

#### **VI. Appointment**

In accordance with F.S. 1001.50, the Board shall approve the appointment of the Superintendent by at least five (5) votes and enter into an employment contract which shall require the Superintendent to exercise all powers, duties, and responsibilities under Florida law, State Board of Education rule, and Board policies. The contract shall also establish a salary in accordance with Florida law.

Effective 7/1/11  
Revised 10/21/20  
Revised 12/15/21

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Legal

F.S. 112.3121 - 3122  
Fla. Const. art. II, § 8  
F.S. Chapter 112  
F.S. 112.3135  
F.S. 112.322 – 112.3241  
F.S. 1001.42(7)(b)  
F.S. 1001.49  
F.S. 1001.50  
F.S. 1001.51  
F.S. 1001.51(12)(b)  
F.S. 1012.01  
F.S. 1012.23(2)  
F.S. 1012.796  
F.A.C. 6A-10.081



Book	Policy Manual
Section	January 18, 2023 - <u>Final</u> Reading
Title	EMPLOYMENT OF ADMINISTRATORS
Code	1120
Status	<u>Final</u> Reading
Adopted	May 11, 2011
Last Revised	December 15, 2021

### 1120 - **EMPLOYMENT OF ADMINISTRATORS**

The School Board shall approve the employment, determine the compensation, and establish the term of employment for each administrator employed by the Board. Approval shall be given only to those candidates for employment recommended by the Superintendent. Administrators shall recommend to the Superintendent the best qualified administrative applicant available.

Whenever a recommendation is presented for the Board's approval to establish, classify, and/or reclassify a position previously classified as Managerial Exempt Personnel ("MEP") into a contracted position, the Board Agenda item seeking such action(s), must include a description, the salary range associated with the contracted position, and specify any additional relevant terms or benefits accompanying the contracted position.

Administrators supervise the resources, operations, and management of school(s) and/or department(s) and meet established qualifications.

Any administrative staff member's misstatement of fact material to qualifications for employment or the determination of salary shall be grounds for dismissal.

**A candidate shall be disqualified from employment in any position that requires direct contact with students if the candidate is ineligible for such employment under F.S. 1012.315.**

A ~~candidate shall be disqualified and~~ **person** is ineligible for educator certification or employment in any position that requires direct contact with students if the person is on the disqualification list maintained by the department pursuant to F.S. 1001.10(4)(b), is registered as a sex offender as described in 42 U.S.C. 9858f(c)(1)(C), **would be ineligible for an exemption under F.S. 435.07,** or has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to any of the felony offenses listed in F.S. 1012.315.

The Superintendent shall also conduct employment history checks of all candidates for administrative positions. The employment history check shall include, but not be limited to, contacting any previous employer and screening the candidate through the use of the screening tools described in State law.

Individuals appointed to their initial administrative positions in the State of Florida will have a ninety-seven (97) day probationary period in which the employee may be dismissed without cause or resign from without breaching the contract.

All administrators shall become familiar with the policies of the Board and other policies, regulations, memoranda, bulletins, and handbooks that pertain to their duties in the District.

Effective 7/1/11  
Revised 12/19/18  
Revised 12/15/21

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F.S. 1012.796

F.S. 1001.42(6), (7)

F.S. 1012.01

F.S. 1012.23

F.S. 1012.315

F.S. 1012.32

F.S. 1012.33

F.S. 1012.55

F.S. 1012.56



Book	Policy Manual
Section	January 18, 2023 - <u>Final</u> Reading
Title	EMPLOYMENT OF INSTRUCTIONAL
Code	PERSONNEL 3120
Status	<u>Final</u> Reading
Adopted	May 11, 2011
Last Revised	December 15, 2021

### 3120 - **EMPLOYMENT OF INSTRUCTIONAL PERSONNEL**

The term instructional personnel refers to K-12 staff members whose functions include the provision of direct instructional services to students. Instructional personnel also include K-12 staff members whose functions provide direct support in the learning process of students as defined by F.S. 1012.01.

Any person employed in an instructional position requiring certification shall possess a valid certificate issued pursuant to Florida law and shall file the certificate with the District.

Misstatement of fact material to qualification for employment or the determination of salary shall constitute grounds for dismissal.

#### **A candidate shall be disqualified from employment in any position that requires direct contact with students if the candidate is ineligible for such employment under F.S. 1012.315.**

A ~~candidate shall be person is disqualified and in~~ ineligible for educator certification or employment in any position that requires direct contact with students if the person is on the disqualification list maintained by the department pursuant to F.S. 1001.10(4)(b), is registered as a sex offender as described in 42 U.S.C. 9858f(c)(1)(C), **would be ineligible for an exemption under F.S. 435.07,** or has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to any of the felony offenses listed in F.S. 1012.315.

Upon recommendation of the Superintendent, the School Board shall approve employment of instructional personnel.

Qualifications of instructional personnel shall be as required by law and Florida Administrative Code. To be eligible for appointment in any instructional position in the District, a person must be of good moral character; must have attained the age of eighteen (18) years; and must, when required by law, hold a certificate or license issued under rules of the State Board of Education or the Board, except when employed pursuant to F.S. 1012.55 or under the emergency provisions of F.S. 1012.24.

Instructional personnel must meet the requirements for their position and follow the employment procedures as set forth in Florida statutes and State Board of Education Rules, including but not limited to: F.S. 1012.24, 1012.35, 1012.36, 1012.39, 1012.43, and 1012.56; and F.A.C. 6A-1.0502, 6A-1.0503, 6A-4.001, 6A-6.010, and 6A-6.014 as they may be amended from time to time.

#### **Certification of Instructional Personnel**

##### A. State Certification

Any person employed in a position requiring certification shall possess a valid teaching certificate issued pursuant to Florida law. Instructional personnel who teach classes or provide support services shall be certified or licensed as defined in F.S. 1012.56, and F.A.C. 6A-1.0502 and 6A-1.0503.

##### B. District Certification

Pursuant to F.S. 1012.39, 1012.55, and 1012.57, with regard to the employment of temporary instructors, teachers of adult education, non-degreed teachers of career technical education (CTE), adjunct educators, and experts in the field, the District will establish the minimum requirements for the issuance of District certificates. Such certificates establish eligibility for employment but confer no right to employment.

The Superintendent may revoke or suspend a District certificate.

The application fee for the District certificate shall be the same as a State issued Educator's Certificate.

Any employee who does not achieve a passing score on any subtest of the general knowledge examination shall be provided information regarding the availability of State-level and District-level supports and instruction to assist them in achieving a passing score.

### **Certification for Expert in the Field - Full-Time Instructional**

Current teachers who hold a temporary certificate and have completed all requirements for professional certification but have not worked enough days to complete the work related requirements, may be eligible for a District expert in the field certificate.

The application for the District expert in the field certificate shall be submitted to the Office of Instructional Certification. Following the clearance of fingerprints and employment in a full-time instructional position, the Office of Instructional Certification will issue to the employee a District expert in the field certificate valid for one (1) school year beginning July 1st and ending June 30th. This certificate will be issued on a one-time basis and is non-renewable.

### **District Adjunct Teaching Certificate**

The District may issue an adjunct teaching certificate for a part-time or full-time teaching position. However, an adjunct teaching certificate issued for a full-time teaching position is valid for no more than three (3) years and is nonrenewable. The District will post requirements on its website for the issuance of an adjunct teaching certificate, and also specify the subject area test through which an applicant demonstrates subject area mastery.

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Revised 4/29/20  
Revised 12/15/21

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Legal	F.S. 1012.01
	F.S. 1012.24
	F.S. 1012.315
	F.S. 1012.35
	F.S. 1012.36
	F.S. 1012.39
	F.S. 1012.42
	F.S. 1012.43
	F.S. 1012.55
	F.S.1012.56
	F.S. 1012.57
	F.A.C. 6A-1.0502
	F.A.C. 6A-1.0503
	F.A.C. 6A-6.014
	20 U.S.C. 6301
	20 U.S.C. 7801



Book	Policy Manual
Section	January 18, 2023 - <u>Final</u> Reading
Title	EMPLOYMENT OF SUPPORT STAFF
Code	4120
Status	<u>Final</u> Reading
Adopted	May 11, 2011
Last Revised	December 15, 2021

#### 4120 - **EMPLOYMENT OF SUPPORT STAFF**

The School Board shall approve the employment, determine the compensation, and establish the term of employment for each support staff employed by the Board. Approval shall be given only to those candidates for employment recommended by the Superintendent.

Support staffs supervise the resources, operations, and management of school(s) and/or department(s) and meet established qualifications.

Any support staff member's misstatement of fact material to qualifications for employment or the determination of salary shall be grounds for dismissal.

**A candidate shall be disqualified from employment in any position that requires direct contact with students if the candidate is ineligible for such employment under F.S. 1012.315.**

A ~~candidate shall be person is disqualified and is~~ ineligible for educator certification or employment in any position that requires direct contact with students if the person is on the disqualification list maintained by the department pursuant to F.S. 1001.10(4)(b), is registered as a sex offender as described in 42 U.S.C. 9858f(c)(1)(C), **would be ineligible for an exemption under F.S. 435.07,** or has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to any of the felony offenses listed in F.S. 1012.315.

The Superintendent shall also conduct employment history checks of all candidates for positions. The employment history check shall include, but not be limited to, contacting any previous employer and screening the candidate through the use of the screening tools described in State law.

Individuals appointed to their initial administrative positions in the State of Florida will have a ninety-seven (97) day probationary period in which the employee may be dismissed without cause or resign from without breaching the contract.

All support staff shall become familiar with the policies of the Board and other policies, regulations, memoranda, bulletins, and handbooks that pertain to their duties in the District.

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F.S. 1012.01

F.S. 1012.23

F.S. 1012.315

F.S. 1012.32

F.S. 1012.33

F.S. 1012.37

F.S. 1012.40

F.S. 1012.55

F.S. 1012.56

F.A.C. 6A-1.0502(11)

F.A.C. 6A-1.070

20 U.S.C. 1255a

20 U.S.C. 6301