

Mr. Roberto J. Alonso, Board Member

SUBJECT: REVIEW OF SCHOOL BOARD POLICY 0141.2, *CONFLICT OF INTEREST*

COMMITTEE: FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS

LINK TO STRATEGIC PLAN: INFORMED, ENGAGED & EMPOWERED STAKEHOLDERS

Over the last three decades, the School Board has imposed upon itself a series of rules, policies and procedures to ensure ethical governance and oversight. Among the long established policies, the Board has required that it comply with the State Code of Ethics and other state laws. The Board has also adopted policies applicable to Board Members involving the receipt of gifts, honoraria, unauthorized compensation, misuse of position, voting conflicts, procurement, campaigns, and election-related conduct, and that Board Members undergo annual ethics training. The Board has also established an Ethics Advisory Committee, which provides guidance and advice, when requested, concerning Board ethics policies.

With the passage of time, some policies that were meaningful and appropriate at the time of adoption, may need to be revisited in order to clarify and provide more definitive guidance to Board Members as they perform their duties and responsibilities associated with the position. One such policy that should be revisited to provide improved clarity, uniformity, for Board members and candidates alike is, Board Policy 0141.2, *Conflict of Interest*, Among its many provisions, Board Policy 0141.2, *Conflict of Interest*, provides that:

“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.”

This provision, in the manner in which it is prescribed, is not contained in the State Code of Ethics. While this provision is certainly well intended, it also contains a number of broad terms, such as “campaign committees,” “solicitation” and “vendor”, that could be more adequately and appropriately defined so that it will provide clear guidance to Board members and provide uniformity and equity for Board members and all candidates and citizens as well.

This provision potentially perpetuates inequality in campaigning for School Board office. It also regulates activities outside of the District’s jurisdiction that may lack equal enforcement. The prohibition in the policy only applies to incumbent School Board members, whereas non-incumbent candidates for the School Board have no such restriction placed upon them. In addition, it is not clear if that prohibition applies to campaign committees that are unrelated to the incumbent Board Member. This lack of clarify and equality concerning campaigns places School Board incumbents in an ambiguous and uncertain position as to otherwise very lawful political activity. This item is being presented for the Board’s consideration to authorize the Superintendent, in consultation with the Office of General Counsel, to review the current policy and to revise it in an effort to eliminate this inequality. A revision in this policy will promote transparency, clarity and fairness in future School Board campaigns.

This item has been reviewed and approved by the General Counsel's Office as to form and legal sufficiency.

**ACTION PROPOSED BY
MR. ROBERTO J. ALONSO :**

That The School Board of Miami-Dade County, Florida, authorize the Superintendent, in consultation with the Office of General Counsel, to:

1. Review the provisions of School Board Policy 0141.2, Conflict of Interest and determine whether it should be amended to provide greater clarity and to eliminate any potential unfairness or inequality created by the provision as indicated in this item;
2. Initiate rulemaking procedures to address any clarity, unfairness or inequality as required by this item, and
3. Provide an update and proposed language to the School Board at the Fiscal Accountability & Government Relations Committee Meeting of January 10, 2024.

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