

Dr. Steve Gallon III, Board Member

**SUBJECT: STRENGTHENING ACCOUNTABILITY AND TRANSPARENCY IN
 THE USE OF DISTRICT FUNDS**

COMMITTEE: FISCAL ACCOUNTABILITY AND GOVERNMENT RELATIONS

**LINK TO STRATEGIC
PLAN: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES**

The School Board of Miami-Dade County remains committed to promoting and maintaining a high level of accountability, integrity, and transparency in the operation of the school district, including those that involve expenditures, procurement, and related financial matters. In fact, School Board Policy 6320, *Purchasing*, requires “[a]ll procurement of supplies, materials, equipment, and services paid for from county school funds shall be the responsibility of the procurement department under the general supervision of the Chief Procurement Officer,” and specifies that procurement “shall be made in accordance with all applicable State statutes, Florida State Board of Education Rules, School Board policies, and administrative procedures.”

School Board Policy 6320 further stipulates that “No person may make any purchase with Board funds unless authorized to do so by Board policy or by administrative directive, or manuals approved by the Superintendent,” that the agency “designated for making purchases with Board funds is the Board's Procurement Management Services,” and that payment for any unauthorized purchase(s) “may be the responsibility of the person placing the order.”

The School Board, Superintendent, and District are committed and obligated to ensure the proper and appropriate use of all public funds. As a part of ensuring this effort and process, ongoing review, monitoring, assessment, and auditing of procedures and processes governing purchasing are implemented. Although most of these procedures and processes are the responsibility of the Superintendent through Procurement Management Services, the School Board maintains both a statutory role and responsibility, as well as fiduciary accountability and oversight for compliance with all applicable State statutes, Florida State Board of Education Rules, School Board policies, and administrative procedures. Thus, the ultimate authority and accountability for the expenditure of Board funds rests with the Board, as stipulated in F.S. 1001.42.

Present and future fiscal challenges of Miami-Dade County Public Schools demand and require strengthened and continuous monitoring and austerity measures—including those involving procurement and related processes and practices. As fiduciaries, this must remain a priority of the School Board. Also, recent efforts at the federal and state levels have emphasized increased focus, transparency, and efficiency in the expenditure of government funds at the local, state, and federal levels.

School Board Policy also states that the Superintendent may approve or reject purchase requisitions when the total amount does not exceed \$50,000.00 or current threshold set by statute and that purchases exceeding \$50,000.00 or the current threshold set by statute shall be approved by the School Board except for those exceptions delineated in School Board Policy. Although School Board Policy states that the Superintendent shall be responsible for the procurement of supplies, materials, equipment, and services paid from Board funds, as stated previously and restated for emphasis, the ultimate authority and as a result, accountability and oversight rests with the School Board, as stipulated in F.S. 1001.42.

Although statutorily allowable exceptions exist and are defined in School Board Policy 6320, state law does not preclude the School Board from establishing policies that are more impregnable than those aligned with state statutes. The issue of the use of exemptions is not foreign to this District. At the School Board Meeting of January 17, 2018, the School Board unanimously (8-0) approved Agenda Item H-5 (Revised 2) sponsored by Dr. Steve Gallon III and cosponsored by Maria Teresa Rojas, which directed the Superintendent to initiate rulemaking procedures, as necessary, to require quarterly written notification of purchases made through exemptions delineated in School Board Policy 6320 that exceed \$100,000 to the Board including date of purchase, vendor, amount, funding source, and purchasing authority.

In the year 2020, exceptions were also invoked to enter into a *no-bid* contractual award for software at a cost of \$15.3 million, which was allowable under current School Board Policy. Significant challenges and issues were widely reported by District instructional staff when this software was launched Districtwide, and there were questions whether the software had been properly vetted and how the terms of the agreement were negotiated. As a result, the School Board subsequently voted unanimously to terminate and/or cease any future execution of the software agreement—which reportedly had not been fully executed, even though the software had been installed and used by employees. This illustrates why increased School Board oversight over such significant purchases is warranted.

Currently, under Policy 6320, Procurement Management Services, staff “*will provide the Board with a quarterly written expenditure report of purchases made using the exemptions above and that exceed \$100,000.00. The report shall include date of purchase, vendor, amount, funding source, and purchasing authority.* Reports submitted to the School Board, however, generally list “payments” and may not reflect or relate directly to the entirety of the purchase amount, the procurement award, the type of exemption, the date of the award and means by which the identified purchase was authorized.

Although M-DCPS recognizes state law purchasing exemptions under School Board Policy, many districts across the state require awards and agreements based on such exemptions to be presented and approved by the School Board prior to being awarded or executed.

Lastly, State Board Rule *requires* that the notice of award or intended award under such exemptions be publicly noticed *prior* to the award and the execution of any contractual agreement based on such exemptions. Recent issues with the use of exemptions have seemingly created challenges and controversies in school districts across the state and throughout the country—resulting in increased calls for strengthened School Board accountability, review, and transparency.

This item seeks to direct the Superintendent, in consultation with the General Counsel, to review School Board Policy 6320, specifically as it relates to the use of exemptions; ensure that the quarterly written expenditure report requirement of School Board Policy 6320 is implemented

with fidelity and full compliance; initiate rulemaking to amend School Board Policy 6320, as appropriate, to require that all awards and/or agreements, including those awards and agreements that fall under the procurement exceptions, be properly advertised in accordance with the requirements of a legally sufficient notice of intended decision or award; that there be an increase in the frequency concerning the report of procurement exemptions from quarterly to monthly; that the transactional and transparency details provided in the monthly reports on exemptions directly reflect the entirety of the purchase amount, the type of exemption utilized, the date of the award and the means by which the identified purchase was authorized; and provide an update to the School Board by the December 12, 2025 Fiscal Accountability and Government Relations Meeting.

This item has been reviewed and approved by the Office of General Counsel for legal sufficiency.

ACTION PROPOSED BY

DR. STEVE GALLON III:

That The School Board of Miami-Dade County, Florida, direct the Superintendent to:

1. in consultation with the General Counsel, review School Board Policy 6320, specifically as it relates to the use of exemptions;
2. ensure that the quarterly written expenditure report requirement of School Board Policy 6320 is implemented with fidelity and full compliance;
3. initiate rulemaking to amend School Board Policy 6320, as appropriate, to require:
 - a. that all awards and/or agreements, including those awards and agreements that fall under the procurement exceptions, be properly advertised in accordance with the requirements of a legally sufficient notice of intended decision or award;
 - b. that there be an increase in the frequency concerning the report of procurement exemptions from quarterly to monthly;
 - c. that the transactional and transparency details provided in the monthly reports on exemptions directly reflect the entirety of the purchase amount, the type of exemption utilized, the date of the award and the means by which the identified purchase was authorized;
4. and provide an update to the School Board by the December 12, 2025, Fiscal Accountability and Government Relations Meeting.