

**OFFICE OF THE SUPERINTENDENT OF SCHOOLS**

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**School Board Workshop  
May 11, 2010**

**School Board Members' Training Ethics/Sunshine Law**

The School Board Members' secretaries, Executive Leadership Team, and their secretaries, were invited to attend the training session with the School Board. The Superintendent thanked everyone for attending and said that the presentation was being videoed so that all employees will have this training. A plan will be put in place to ensure everyone sees the video and signs off after seeing it.

Mr. Philip Claypool, Executive Director and General Counsel, Florida Commission on Ethics, gave the presentation on the Sunshine Amendment and Code of Ethics for Public Officers and Employees. This presentation was an overview of the Ethics Commission and laws.

Article II, Section 8. Ethics in Government. A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:  
(f) There shall be an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees not within the jurisdiction of the judicial qualifications commission.

The commission is made up of nine non-paid members, balanced by the political parties. The Governor appoints five members, two are appointed by the Senate President, and two appointed by the House Speaker.

Complaints are confidential, must be sworn, and filed using the official form. The complaint is reviewed; a preliminary investigation is done to determine probable cause; and a hearing is held to determine whether there was a violation and what penalty should be recommended. An appeal can be made to the District Court of Appeal. 75% of complaints that are reviewed show no probable cause. This is due to the fact that people do not understand the ethics laws. People feel that it is a moral issue, but this is not the case at the governmental level. They may have the perception that a law was broken, but in reality it was not. The public should also be educated to help them understand the law.

The Commission has formal opinions, which are adopted by the Commission and informal opinions, which are written advice from Commission staff based on the law and on precedent decisions by the Commission. Formal opinions and final orders can be found on the Commission's website, [www.ethics.state.fl.us](http://www.ethics.state.fl.us) or call 850-488-7864.

Financial disclosures and the Executive Branch Lobbyist responsibilities were discussed. The Commission manages financial disclosure requirements for approximately 37,000 public officers and employees statewide. Fines are in place for late annual filings.

The commission also manages the Executive Branch lobbyist registration and reporting system. Lobbyists must register prior to lobbying and lobbying firms must report compensation received from their clients quarterly. There are fines for late filings.

Code of Ethics Goals for public officers and employees, chapter 112 (Part III, Fl Statutes)

- Maintain respect of people in governments.
- Ensure duties are performed impartially.
- Prevent use of office for private gain.
- Avoid unnecessary barriers to public service.

Additional ethical standards can be adopted by local government, but cannot conflict with State law, and must be enforced locally.

Disclosure laws were discussed regarding financial interests, clients, and gifts. School Board Members do not have clients, but do receive gifts. If a gift of \$100 or more is received it must be reported. Anything under \$100 does not have to be reported. This includes tickets for events, dinners, or any item that has a value of \$100. If it is a charity, Board Members must be aware who is giving the event. It was asked if a stay at a friend's home of three or more days would also be included. The response is yes. The value of a night's stay at a friend's home is \$44, per the State rule. Three days would equal \$132. Two nights would be within the law, but the third day would take the value over \$100. Therefore, this would have to be reported. Board Member asked if \$44 were paid for any night over the \$100 mark, would it then have to be reported. This would be acceptable and the visit would not have to be reported. The forms for reporting were reviewed with the Board Members.

Even a gift from a friend or associate to an immediate family member, such as one of your children or husband, and was worth over \$100, would also have to be reported if the Board Member benefited from the gift.

The standards for the gift law since 1974 are:

- Do not accept the gift if it is based on the understanding that official duties will be influenced.
- Do not accept the gift if you know, or with exercise of reasonable care should know, it is given to influence discharge of duties.

In 1990 Legislature revamped the law to limit gifts from lobbyists and the following standards.

- May not solicit gift from lobbyists.
- May not accept gifts worth more than \$100 from lobbyist.
- Must report gifts worth more than \$100 received from non-lobbyists.
- May accept gifts of any value from specific relatives, and need not report them.

Next, voting conflicts, section 112.3143, Florida Statutes, was discussed regarding who the voting conflict law applies to; public officers, a person elected or appointed to hold office in an agency, including persons serving on an advisory body. Voting on a conflicting measure must be disclosed orally before the vote and a memorandum (form 8B) must be filed within 15 days.

A voting conflict would occur when the official is called upon to vote on a measure, which would inure to the officials special private gain or loss or if he or she knew there would be a private gain or loss. The exception is when the principal is a public agency. Voting on a measure that benefits an agency is not prohibited and specific disclosures are not required. Greater detail on the ethics laws can be found on the eAgenda for this meeting.

The Superintendent requested a Code of Ethics policy for the School District. He requested Mr. Tynan, School Board Member, to Chair and put together a committee to craft a Code of Ethics policy. The Special Investigative Unit, Executive Director, and representatives of all stakeholders would be a part of this committee. The policy will include a process for employees to report a situation they believe is unethical. Once completed, the policy would come back to the Board for review at a workshop and ultimately to a Board meeting for approval. At this time there is no mechanism for an employee to report a situation believed to be unethical. Once the policy is approved the employment packet will include a sign off sheet asking staff to abide to the ethics policy.

The Florida School Board Association and Council of Great City Schools can be contacted to see what their ethic policy is. Palm Beach County Schools has an ethics policy that can also be looked at. Miami Dade School District has a policy, video and booklet, which may be used. Broward School District needs to encourage an ethical culture for their employees and needs to be sensitive to the public's perception as to who is creating the rules for this policy.

If there is any question as to whether or not to accept a gift, or any other questions regarding the ethics law, Board Members and staff are requested to contact General Counsel for his opinion.

Material for this presentation can be found on the eAgenda for the May 11, 2010 workshop.

### **Administrative Sites**

The Facility Management, Planning & Site Acquisition Department came before the Board to present the options for the relocation of staff from HORTT by the expiration of its lease and from Sawgrass Technology Park by the expiration of existing subleases.

Staff from HORTT has to be relocated no later than April 27, 2011. Departments and two district area offices must be moved from Sawgrass by November/December 2010 or a new lease for an additional 3 years will need to be signed.

Staff went through the two options for the Board Members to discuss.

#### Option 1

- Vacate Sawgrass Technology Center by December 2010.
- Facilities and Financial Departments would relocate to 71 converted portables at New River circle. South Area, Central Area and CTACE would relocate to portables at SW 172 Ave. & Pines Boulevard.

#### Option 2

- Sign new lease at Sawgrass Technology Park for three years.
- Central Area relocated to TSSC Annex.
- Facilities relocate to Sawgrass Technology Park.

The TSSC Annex has to be remodeled and fire sprinklers must be added to comply with City safety codes before the Central Area office could be relocated. It was pointed out that the School District owns this building as well as the TSSC Building and is an asset, which could be rented or sold. The Board agreed that the fire sprinklers project should be done, which would prepare the building for occupation.

Board Member asked how much square footage is needed for the area office and could the Social Workers and Psychologists move to empty classrooms at existing schools? It was asked how much time this group of employees actually spends at the area office.

Staff pointed out that this group of employees needs to have the proper facilities to work together in work groups. Not all being in the same location would hamper interaction and would not be fulfilling their roles and jobs. Having their work materials at a centralized office lessens travel time. This would be an issue if they were located at many different sites.

Staff also pointed out, in their opinion, investing large dollars in portables for employees use was not a wise long term investment or solution. If there was a hurricane all those dollars could possibly be lost.

It was agreed that the most cost effective options would be the best way to go. The cost for moving all employees from Sawgrass and retrofitting portables was more costly than continuing the lease at Sawgrass. The public's perception is that the Sawgrass offices are very expensive offices. The fact is, in realtor terms, they are class B offices and the price per square foot is competitive.

Board Members could not come to a consensus on either option and requested more options. Board Members requested staff to look at downtown Fort Lauderdale offices and gather that data, showing costs and savings. Also, with the two options presented today, staff is requested to bring back data showing pro and con comparisons, the rationale, previous options offered, and why they were taken off the table to pursue. Board Members would also like to know if there is any space available at the KCW Administration Building that could be used.

Staff is requested to come back to a workshop, with the above information, to help Board Members decide what are the next steps. This workshop is scheduled for June 7, 2010.

Material for this presentation can be found on the eAgenda May 11

### **Race to the Top Fund Phase 2**

The "Race to the Top"(RTTT) Fund is an education reform program, which is part of the American Recovery and Reinvestment Act. The U.S. Department of Education will award RTTT Phase 2 grants to states through a competitive application process.

The RTTT Phase 2 is based on four pillars:

- Adopting standards and assessments that prepare students to succeed in college, the workplace, and to compete in the global economy.
- Building data systems that measure student growth and success, and informing teachers and Principals on how they can improve instruction.
- Recruiting, developing, rewarding, and retaining effective teachers and principals especially where they are needed most.
- Turning around our lowest achieving schools.

At least 50% of the RTTT Phase 2 funds must be distributed to participating School Districts based upon the Title 1 formula. Broward's share could be as much as \$8.5 million per year for four years.

The Memorandum of Understanding (MOU) was sent from the State to School Districts May 3, 2010, which was forwarded to School Board Members, and discussed at today's workshop. The MOU will be brought to the May 18, 2010 School Board meeting for the Board's decision. The deadline to submit the MOU to the State to participate in the State's application is May 25, 2010. The Deadline for the State to submit their application to the US Department of Education is June 1, 2010. The anticipated award notification is scheduled for September 2010. The final scope of work due to the State by participating school districts is 90 days after the award notification.

Staff went through the MOU showing the changes from Phase I to Phase 2. The Board did not approve Phase I, due to several issues. They were very happy to see that the changes in Phase 2 reflected their recommendations. There is an independent committee that will oversee the MOU four-year process. The committee is requested to do a cost analysis to make sure the money received is enough to do what the school district is required to do. Also, what will be in place to sustain the changes being made now after the four-year implementation plan? Board Members would also like to know what the State is doing with their 50% of the award.

The new Phase 2 MOU works in conjunction with the existing Differential Accountability Plan and the School Improvement Grant. Board Members requested staff to meet with them individually to discuss the Phase 2 MOU for further clarification.

The larger the participation in the State is, the more benefits everyone would receive. Board Members asked if the Broward Teachers Union support is needed. The Superintendent and Chair signature are required for the May 25<sup>th</sup> deadline to submit the application to the State. Once awarded and the final scope of work is required, the Broward Teacher's Union approval is needed. Staff is requested to let the Board know of other School Districts and Unions that are in support of Phase 2.

The material for this presentation is available on the eAgenda May 11, 2010 workshop.

JFN:jd