MINUTES OF THE
SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
ETHICS ADVISORY COMMITTEE MEETING
WEDNESDAY, FEBRUARY 16, 2011

Committee Members

Present:

Ms. Roberta Kressel, Chair
Ms. Jacqueline Becerra, Esq., Vice Chair
Dr. Priva Fischweicher
Ms. Daneen Regna
Mr. Frederick F. Thornburg, Esq.

Absent:

Ms. Michele Anglade, Esq.
Justice Gerald Kogan

Others Present:

Dr. Lawrence Feldman, School Board Member
Mr. Luis M. Garcia, Deputy Assistant School Board Attorney
Mr. Jose Montes de Oca, Chief Auditor
Ms. Enid Weisman, Assistant Superintendent
Ms. Maria T. Gonzalez, Assistant Chief Auditor
Ms. Ana M. Rasco, Administrative Director
Ms. Madeleine Rodriguez, Executive Director
Ms. Jerold Blumstein, Administrative Assistant to Dr. Martin S. Karp
Ms. Erz Munsie, Administrative Assistant to Dr. Lawrence Feldman
Ms. Ana Pereira, Administrative Assistant to Ms. Perla Tabares Hantman
Ms. Marisol Perez-Picon, Administrative Assistant to Ms. Raquel Regalado
Ms. Dalia Rosales, Administrative Assistant to Dr. Marta Pérez
Ms. Bertha Valcarcel, Administrative Assistant to Ms. Perla Tabares Hantman
Ms. Cheryl Golden, Instructional Supervisor
Mr. Luis Baluja, EDP Audit Supervisor
Ms. Virginia “Ginny” Byrd, Administrative Assistant
Ms. Ileana Martinez, School Board Clerk
Ms. Elsa Berrios-Montijo, Administrative Secretary
Ms. Sheryl Ragoo, Administrative Secretary
Ms. Susan Marie Kairalla, Audit Committee Member
Ms. Jennifer Merino, Office of Inspector General
Mr. Kenneth Newman, SFYSA
Mr. Adolfo Perez, Parent
Mr. Glenn Adams, Student
Mr. Darren Beckford, Student
Mr. Ruben Pierre, Student
I. CALL TO ORDER

A regular meeting of the Ethics Advisory Committee was held at WLRN located at 172 NE 15th Street, Conference Room, Miami, Florida on Wednesday, February 16, 2011. The meeting was convened at 8:40 a.m., by the Chair, Ms. Roberta Kressel.

II. INTRODUCTIONS

Introductions were made by everyone present.

III. INTRODUCTION OF NEW EAC MEMBER

Mr. Jose Montes de Oca introduced a new member of the Committee, Dr. Priva Fischweicher. She is an Assistant Professor at Barry University, School of Education, directly involved in the area of Organizational Learning and Leadership. In her brief address to the EAC, Dr. Fischweicher expressed that her greatest life accomplishment comes from having reared six children of her own and being the grandmother of seven, which translates into decades of involvement with and commitment to the field of education. It has also facilitated her experiences as a long-term teacher and administrator. She thanked the Committee for the opportunity to serve.

IV. APPROVAL OF MINUTES OF THE DECEMBER 16, 2010 MEETING

Upon motion being made by Mr. Thornburg and seconded by Ms. Becerra, the members voted unanimously to approve the minutes of December 16, 2010 EAC meeting.

V. REVIEW OF IG REPORT REF. IG10-32SB RE: EQUIPMENT VENDOR PROSECUTED FOR DEFRAUDING MIAMI-DADE COUNTY PUBLIC SCHOOLS

The EAC heard a brief presentation from the OIG representative regarding the above-cited report, which led to the criminal prosecution of the vendor and debarment from conducting business with M-DCPS, since the investigation uncovered that the vendor was selling to M-DCPS used/refurbished products under the guise that they were new products.

VI. REVIEW OF IG REPORT REF. IG09-10SB RE: THREE SENTENCED IN FEDERAL COURT IN CONNECTION WITH THE SOUTHSIDE ELEMENTARY SCHOOL MODULAR CLASSROOM ADDITION CONSTRUCTION PROJECT

The EAC received an update from the OIG representative, Ms. Jennifer Merino, regarding the above-cited report, who explained that the documentation being
provided consisted of press releases to inform the public regarding the results of this investigation. This report led to the prosecution and conviction of three individuals for hiring illegal aliens in their construction business and failing to comply with federal regulations. Ms. Merino noted that one defendant received 21 months in prison and, along with two other defendants, received multiyear probation periods. They were also ordered to pay restitution in the amount of $76,317.

VII. STATUS OF DRAFT ANNUAL REPORT ETHICS ADVISORY COMMITTEE FISCAL YEAR 2009-2010

The draft of the Annual Report Ethics Advisory Committee Fiscal Year 2009-10 was presented to the EAC in December and the Committee had agreed that any feedback from EAC members be provided to the Chief Auditor before finalizing the report. During this meeting, the Committee members agreed that no modification to the draft report was needed and unanimously agreed to have the Chief Auditor submit the final report to the School Board at its March 2011 meeting.

Upon motion being made by Mr. Thornburg and seconded by Ms. Regna, the committee voted unanimously to accept the report as presented.

VIII. PRESENTATION OF TITLE IX

Ms. Cheryl Golden, Instructional Supervisor, Division of Athletics and Activities made a very thorough and comprehensive oral presentation regarding some of the challenges that M-DCPS faces regarding compliance with Title IX (which prohibits discrimination in sports because of gender), as well as the many accomplishments that M-DCPS has attained in this area; and the continued commitment of the School Board to advance and provide a fair and equitable treatment of students engaged in school sports regardless of gender. She opened the presentation by providing a roadmap of her professional involvement in the area of athletics, which has been continuous and extensive since she joined M-DCPS in 1981 first, as a teacher, and for the past 14 years as an administrator with the Division of Athletics, overseeing the Greater Miami Athletic Conference (GMAC) and Athletic Directors and Athletic Business Managers employed in the District. She also acknowledged that she was a product of Title IX as she had the opportunity to formally participate in volleyball competition during her college years.

During the presentation, Ms. Golden discussed the methodology by which M-DCPS ensures compliance with Title IX; The Florida Educational Equity Act, Section 1000.05, Florida Statutes (which mandates stronger monitoring and enforcement for gender equity in athletics and enhances Title IX requirements); the requirements of the Florida High School Athletic Association (FHSAA), the governing body for high school athletics in the State of Florida; School Board
Rules and GMAC bylaws (GMAC is responsible for the scheduling of all high school sports in Miami-Dade County). She explained that 37 of the present 50 plus senior high schools participate in school athletics and offer 14 different sports, and mentioned the challenges posed when instituting a sports program at the smaller high schools or at high schools with magnet programs or academies, because of limited student participation or because of disparate numbers of male and female students. However, she indicated that the process for ascertaining and measuring compliance is the same for all and monitoring is continued. To further illustrate the process, she provided a handout of the various forms used by the schools to monitor compliance with gender equity in athletics. She explained that these forms are used by schools every year to “run the numbers”. This means capturing student enrollment and participation based on gender and calculating gender participation in totals and percentages; as well as various other compliance-related indicators. When questioned, Ms. Golden stated that the greatest challenges for compliance in this area are financial roadblocks presented by today’s stifling economy (because sports require funding to cover expenses related to student transportation to athletic games and meals, uniforms, athletic gear and the hiring of game officials), available facilities to practice and play, and lack of community participation and support in sports not sponsored/promoted by local communities.

An accomplishment in the sports area highlighted by Ms. Golden is the implementation of a model program, which has a certified athletic trainer in every high school of this District. According to her, this is not required by the Department of Education, but certainly adds great value to the sports program as it facilitates prompt medical assistance to students, if needed, during sports events. The presence of these trainers also lessens the District’s liability when injuries are sustained by students during their participation in school sports. Committee members and attendees posed questions and concerns, including inquiries and comments regarding the certification requirements, salaries of coaches, the implementing of sports programs at the elementary, middle school and K-8 center levels. All questions were ably answered by Ms. Golden. The Committee expressed their satisfaction with the information received and gave extensive kudos to Ms. Golden for an outstanding presentation.

IX. OLD BUSINESS

As part of old EAC business, the EAC members discussed updates to the proposed School Board Rule 6Gx13-8C-1.XX Ethics Advisory Committee and were informed by Chief Auditor Mr. Montes de Oca that he is working with the Attorney’s Office to incorporate those changes recommended by the School Board members during their most recent discussion of the rule; and results of the update will be presented at the next EAC meeting.

EAC members brainstormed on the education seminar discussed at the previous meeting, the purpose of which is to inform new School Board members on the
role of the EAC and to ensure that School Board members have an understanding of that role. The Committee agreed to set up a sub-committee to develop a blueprint of the seminar with input from various sources including EAC members, the Attorney’s Office and the Office of Management and Compliance Audits. Also, it was agreed that School Board members (new as well as existing) would be invited to participate in this informative session.

X. NEW BUSINESS

Under new business, School Board Vice Chair, Dr. Lawrence Feldman, posed a concern about the Lobbyist rule. Specifically, his concern was whether School Board members could be acting as lobbyists without apparent disclosure, which could ultimately result in a conflict of interest when formally discussing School Board business at School Board meetings, or that it could also negatively impact School Board business; and whether the Lobbyist rule was specific enough to address involvement of School Board members in business ventures not explicitly disclosed to the public. Mr. Garcia explained that this behavior would constitute a conflict of interest, and failure by a public official to disclose a conflict of interest is covered under Chapter 112 of the Florida Statutes which provides severe penalties for this disclosure failure. Several scenarios of business ventures were discussed, including representation of educational publications and charter schools. It was agreed that this concern was meritorious of the EAC’s attention and should be included as part of the proposed education seminar.

XI. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:53 a.m.

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