

Dr. Marta Perez, Board Member

SUBJECT: REQUEST APPROVAL OF RESOLUTION NO. 22-049 OF THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, RECOGNIZING FORMER FLORIDA SUPREME COURT CHIEF JUSTICE GERALD KOGAN IN MEMORIAM FOR HIS MANY YEARS OF SERVICE TO OUR DISTRICT AND OUR COMMUNITY

COMMITTEE: PERSONNEL, STUDENT, SCHOOL & COMMUNITY SUPPORT

LINK TO STRATEGIC PLAN: INFORMED, ENGAGED, & EMPOWERED STAKEHOLDERS

Progressively, during the last two and a half decades, our school district has improved its nationwide reputation. However, there was a time in the past when it was ill regarded as ineffective in its management, outcomes, and corruption. Former Florida Supreme Court Justice Gerald Kogan helped take on the mammoth task of changing that negative perception and reality. Therefore, it is appropriate that we honor his memory with great thanksgiving today. The history of his assistance with the creation of an Ethics Advisory Committee and independent inspector general forever positively impacted our district and is important to be remember--even after the passing of this great man.

Creation of an Ethics Advisory Committee and Independent Inspector General

In the late 1990's, a series of scandals exposed the corruption at the highest levels of the school district's administration, with the tacit complicity of the board. These included, among others:

--Questionable land purchases and facilities practices which culminated in the appointment of a state oversight board.

--Peddling of post graduate degrees from online universities (diploma mills) of dubious credibility by employees to other employees across the district. Many of these employees acknowledged the fraudulent schemes but benefited from the higher credential pay and further opportunities for advancement.

--Hiring practices that deviated from established board policies and contributed to a top-heavy administration. The established practice of a selection committee vetting prospective candidates was largely ignored and direct appointments became the norm.

The Cost

The mismanagement and corruption within Miami-Dade County Public Schools cost taxpayers more than \$100 million, according to a forensic audit of the Miami-Dade County School Board conducted at the request of a state oversight board. Independent auditors from Lewis B. Freeman & Partners, who produced the report in April 2004, recommended the appointment of a special prosecutor and statewide grand jury to investigate the Miami-Dade school district's multibillion-dollar facilities construction department, alleging massive disorganization and waste as well as "probable malfeasance, misfeasance, and potential for fraud." The report also called for the state to take immediate control of the Miami-Dade facilities program.

The Urgency

With evidence of squandered dollars to sexual harassment to grade changing to cronyism to questionable credentials, the need to regain the public's trust and establish a checks and balances for the school board was needed. Chief Justice Gerald Kogan headed the Alliance for Ethical Governance, an organization brought about by the concerns of many stakeholders in our community who recognized the need to eradicate corruption in government.

The Alliance for Ethical Government helped make recommendations to a reluctant school board. After great controversy and hard work by many members of our community, the school board established several initiatives to pave the way to eradicate corruption at the district, and are responsible, in part for the good reputation we now enjoy. These items included (and are attached):

--B-2, November 15, 2000, establishing an Ethics Advisory Committee.

--B-11 May 16, 2001, beginning the process and subsequent creation of an Independent Inspector General's position.

--B-3 August 17, 2005, adopting recommendations from a July 18, 2005, Grand Jury Report regarding accreditations.

As a result of the establishment of the Ethics Advisory Committee and Independent Inspector General, our district won the greatest national prize in school district initiatives—the Magnum Award given by the National School Boards Association in 2005 (see attached).

These initiatives changed the negative trajectory of our district, and today, we are a national model.

Former Florida Supreme Court Chief Justice Gerald Kogan was one of the founding members of the Ethics Advisory Committee. Justice Kogan was committed to the work of the committee and until the time when the Covid-19 pandemic interrupted its operations, was a loyal and dedicated participant in all its meetings and deliberations.

A Hero Among Us--Former Florida Supreme Court Justice Gerald Kogan

Former Florida Supreme Court Chief Justice Gerald Kogan died in Miami on Thursday, March 4, 2021. He was 87 and was Florida's 73rd Justice since statehood was granted in 1845.

He was an exceptional man with deep rooted convictions about ethics and what is good and right. He exemplified the best of the human spirit and kindness towards others.

"I'm a realist. I know I won't be able to completely eliminate corruption. You can't reach into people's hearts and change them, but you can cut down on unethical behavior by stopping people doing things overtly which are wrong and letting them know they are being watched," he said of his work as president of the Alliance for Ethical Government.

His accomplishments were innumerable and praiseworthy. From his appointment on January 30, 1987, until his retirement on December 31, 1998, Kogan was a key figure in a series of reforms that made the Florida Supreme Court one of the most respected and accessible in the nation. He served as its Chief Justice from 1996 to 1998.

Born in New York City, Kogan moved with his parents and brother to Miami Beach in 1947 and remained a Florida resident for the rest of his life. He graduated from Miami Beach Senior High School and attended the University of Miami, where he received the bachelor's degree in business administration and his law degree.

Our Gratitude

The Miami-Dade County Public Schools and its public perception were forever changed thanks, in great part, to the work and advocacy of this extraordinary and dignified man. His name was the gold seal of excellence in ethical government.



**ACTION PROPOSED BY
DR. MARTA PEREZ:**

That The School Board of Miami-Dade County, Florida, approve Resolution No. 22-049 of The School Board of Miami-Dade County, Florida, recognizing Former Florida Supreme Court Chief Justice Gerald Kogan in memoriam for his outstanding contributions to our district and our community.

**RESOLUTION NO. 22-049
OF THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA,
RECOGNIZING FORMER FLORIDA SUPREME COURT CHIEF JUSTICE GERALD KOGAN IN
MEMORIAM FOR HIS OUTSTANDING CONTRIBUTIONS TO OUR DISTRICT AND OUR
COMMUNITY**

WHEREAS, some communities are sometimes blessed with outstanding leaders that change the negative trajectory of a people into a positive road; and

WHEREAS, we, at Miami-Dade County Public Schools were fortunate to have encountered one such leader in Former Florida Supreme Court Chief Justice Gerald Kogan; and

WHEREAS, In the late 1990's, a series of scandals exposed the corruption at the highest levels of the school district, including among others: questionable land purchases and facilities practices, peddling of post graduate degrees from online universities (diploma mills), hiring practices that deviated from established board policies and contributed to a top-heavy administration, costing taxpayers (by some estimates) more than \$100 million, eroding public confidence in the district's leaders; and

WHEREAS, Chief Justice Gerald Kogan led the Alliance for Ethical Government in helping our district create a blueprint to establish an Ethics Advisory Committee and Office of Inspector General, measures that emphasized the ethos of ethics at our district; and

WHEREAS, Former Florida Supreme Court Chief Justice Gerald Kogan was also one of the founding members of the Ethics Advisory Committee. Justice Kogan was committed to the work of the committee and until the time when the Covid-19 pandemic interrupted its operations, was a strong, loyal, and dedicated participant in all its meetings and deliberations; and

WHEREAS, He was an exceptional man with deep rooted convictions about ethics and what is good and right. He exemplified the best of the human spirit and kindness towards others; and

WHEREAS, The Miami-Dade County School Board and its public perception was forever changed thanks, in great part, to the work and advocacy of Chief Justice Kogan. His name was the gold seal of excellence in ethical government.

NOW, THEREFORE, BE IT RESOLVED THAT:

The School Board of Miami-Dade County, Florida, approve Resolution No. 22-049 of The School Board of Miami-Dade County, Florida, recognizing former Florida Supreme Court Chief Justice Gerald Kogan in Memoriam for his many years of service to our district and our community.

A copy of this resolution is placed in the permanent records of this Board.

Presented this sixteenth day of November, A. D. 2022

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

SCHOOL BOARD CHAIR

ATTEST:

Secretary

Dr. Marta Pérez, Member

**SUBJECT: ESTABLISHING AN ETHICS ADVISORY COMMITTEE TO DRAFT
BYLAWS FOR THE PROPOSED ETHICS COMMISSION**

At the Board meeting of October 11, 2000, the School Board received the recommendations on ethics from the Miami-Dade County Public Schools Ethics Task Force Committee (Task Force).

The Task Force studied the feasibility and need for an Ethics Committee, different models for such a commission or committee, legal issues of creating such an entity and the purpose and powers of an ethics committee or commission.

The recommendation of the Task Force was to establish an Ethics Commission as follows:

The Ethics Commission will be an independent, adequately funded, public accessible, body that would hear and interview complaints, review policy and practices of Miami-Dade County Public Schools, and oversee the training of ethics education for staff and the students.

Furthermore, the Ethics Commission would provide advisory options to the Board, the public and referral agencies with a commitment of confidentiality to the complainant as legally possible.

Based upon the recommendation of the Task Force, it is now necessary to begin the process of defining the mission, structure, composition and powers of the Ethics Commission in bylaw format.

In order to accomplish this, an advisory committee to the Board should be formed to act upon the recommendations of the Task Force to establish the Ethics Commission by drafting recommended bylaws for said Commission. This advisory committee should be composed of not more than seven individuals, five members selected by the reconvened Task Force and two by the Superintendent of Schools.

ACTION PROPOSED BY

DR. MARTA PÉREZ:

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

- 1) establish a seven member Ethics Advisory Committee to the School Board and appoint two members to this committee;
- 2) reconvene the Miami-Dade County Public Schools Ethics Task Force Committee for the purpose of appointing five members to the Ethics Advisory Committee; and,
- 3) have the newly appointed seven member Ethics Advisory Committee draft recommended bylaws for the proposed Ethics Commission to be presented to the Board as recommendations by the March 14, 2001 Board meeting.

Dr. Marta Pérez, Member

**SUBJECT: ESTABLISH A TASKFORCE TO DETERMINE THE FEASIBILITY OF
CREATING AN OFFICE OF INSPECTOR GENERAL FOR MIAMI-DADE
COUNTY PUBLIC SCHOOLS**

The "April 2001 Special Review of the Land Acquisition Practices of the Miami-Dade County School District," published by the Office of Program Policy Analysis and Government Accountability, pointed out various concerns about the procedures followed during the land acquisition process. The Grand Jury Report – Spring Term 2000, added to these concerns a record of inadequate maintenance. On Monday, April 30, 2001, the state legislature announced plans to: create a three-member board to oversee land acquisition; place a state auditor at the District headquarters to oversee spending; and, make Miami-Dade County Public Schools the first participant in a state-wide review of school district accounting practices.

The increasing size of the Miami-Dade County Public School System, and the unique educational challenges it faces makes it difficult, if not impossible, for the Superintendent to adequately enforce accountability over ethical and procedural matters. An Office of Inspector General (OIG) would provide this service and allow the Superintendent to dedicate himself solely to the business of educating students.

Approval of this item establishes a Taskforce, composed of an appointee of: the Chair; each Board Member; and the Superintendent; each bargaining unit; and the PTA/PTSA, to study the feasibility of creating an Office of Inspector General. The School Board Attorney would provide legal counsel to this taskforce.

Establishing this office in Miami-Dade County Public Schools creates an environment of accountability that increases efficiency, reduces waste, and reassures the state legislature, and citizens of Miami-Dade County, that this School Board responsibly manages their tax dollars.

ACTION PROPOSED BY

DR. MARTA PEREZ: That The School Board of Miami-Dade County, Florida, establish a taskforce, made up of the above mentioned individuals, to study the feasibility of creating an Office of Inspector General for Miami-Dade County Public Schools.

Dr. Marta Pérez, Member

SUBJECT: REQUEST THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY DIRECT THE SUPERINTENDENT TO ADOPT THE RECOMMENDATIONS ISSUED IN THE JULY 18TH 2005 MIAMI-DADE COUNTY GRAND JURY REPORT

COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT

On July 18, 2005, the Miami-Dade Grand Jury released a report outlining flaws in the system by which Miami-Dade County Public schools verifies the authenticity of educational credentials. The Grand Jury outlined several recommendations found herein to safeguard the district from the future employment of persons with fraudulent credentials (Please see attached report).

- **STATUTORY ENACTMENTS:**

Miami Dade County Public Schools in conjunction with the Department of Education should seek legislative action, specifically amending the affidavit form and warning currently provided in section 1012.56 (2) (b), Florida Statutes creating felony violations for applicants and teachers who knowingly try to fraudulently obtain and/or maintain teaching positions.

- **ASSURING LEGITIMACY OF DOCUMENTATION:**

In an effort to ensure the legitimacy of the documentation presented the Grand Jury has recommended the following procedures for implementation:

- a) Formalize a library of sample transcripts and accreditation sources for internal use by those charged with verification of applicant credentials;
- b) Establish a protocol and create a formal checklist of steps to be taken by employees at each stage of the verification process, requiring said checklist to be made part of every file;
- c) Require strict adherence to the aforementioned protocol and checklists;
- d) Train all pertinent personnel involved in certification and recertification duties as to the procedures to follow, the use of the checklists, and the use of other resources available;
- e) Verify submitted documentation including contact with issuing institutions.

**REVISED
B-3**

Additionally, Miami Dade County Public Schools should contact, at the very least, colleges and universities in the State of Florida and establish a procedure with the registrars to receive and verify transcripts.

- **ELIMINATION OF MOTIVE:**

Miami Dade County Public Schools should impose a ban on organizations such as MOTET. It is recommended that a rule be established which identifies a pre-approved list of courses, programs, and accredited colleges and universities by which an individual can attain their certification and recertification.

Delete

- **ADMINISTRATIVE ACTION:**

Miami Dade County Public Schools should take administrative action against those teachers who knowingly submitted false academic credits for the purpose of certification or recertification.

- **PROVIDING AN EFFECTIVE INDEPENDENT WATCHDOG:**

It is to our understanding that the Board Chair has submitted board item B-2 which addresses this recommendation by the Grand Jury.

It is not only our responsibility, but our duty, to ensure that the students of Miami-Dade County Public Schools are taught by qualified individuals who have met all their requirements. One way to ensure this is to establish safeguards against those who try to cheat the system. Adopting the recommendations provided by the Grand Jury is a good first step in achieving this goal.

**ACTION PROPOSED BY
DR. MARTA PÉREZ:**

That the School Board of Miami-Dade County, Florida direct the Superintendent to adopt the following recommendations issued in the July 18th, 2005, Miami Dade County Grand Jury Report:

- 1- Seek legislative action, specifically amending section 1012.56 (2) (b) Florida Statutes creating felony violations for applicants and teachers who knowingly try to fraudulently obtain and/or maintain teacher positions
- 2- Implement a verification system which ensures the legitimacy of documents and transcripts presented
- 3- Impose a ban on fraudulent organizations and establish a pre-approved list of courses, programs, and accredited colleges and universities by which an individual can attain their certification and recertification.
- 4- Administrative action should be taken on teachers who knowingly submitted false academic credits for the purpose of certification or recertification

Ethics Training for Ethical Lives

Miami-Dade County Schools, Miami, Fla.



PROGRAM

Comprehensive Ethics Program

PROGRAM OBJECTIVE

To promote integrity, honesty, respect, and accountability within Miami-Dade County Public Schools.

SCHOOL BOARD PRESIDENT

Frank Bolaños

SCHOOL BOARD MEMBERS

Agustin Barrera
Evelyn Langlieb Greer
Perla Tabares Hantman
Robert Ingram
Martin Karp
Ana Rivas Logan
Marta Pérez
Solomon Stinson

SUPERINTENDENT

Rudolph Crew



All 47,000 employees of the Miami-Dade County School District are required to attend Comprehensive Ethics training.

After a series of scandals, Florida's Miami-Dade County School Board is working to restore public trust by establishing a districtwide ethics training program and an inspector general's office.

The board's public image and policies were in dire need of revamping when the ethics system was introduced, says Marta Pérez, the school board member who led the charge for the project.

"We had had so many scandals," Pérez says. "The public, I believe, had lost faith in the

school district. There was the perception and the reality of corruption and cronyism."

The nation's fourth-largest school district, Miami-Dade County serves a diverse, multicultural community. Its annual budget is \$5 billion, providing educational opportunities to 369,578 students in pre-kindergarten through grade 12 and 64,923 adult students.

Pérez says she supported examining ethics at all levels after being elected to the board in 1998. "First, with the help of many community groups—the League of Women Voters and other people—I proposed that we have a blue ribbon panel to look at whether we needed an ethics committee," she says. "It was overwhelming when this panel came together. They overwhelmingly suggested that we needed the [ethics] committee and the inspector general."

Eventually, the panel's recommendations were applied at all levels of the district. The district's current Comprehensive Ethics Program, established in 2003, now covers all of Miami-Dade's 47,000 employees. The inspector general's office, which handles internal investigations, reports directly to the state instead of the school board.

"I'm so proud," says Pérez, noting that Miami-Dade is the first district in Florida to establish such a program. "In a practical sense, this is working so well because we have great ethicists whose discussion is intelligent. Their opinions are so reasonable and so practical that they have even influenced board rulings. Perhaps there are always going to be people who are not going to be ethical. But if you concentrate on something, people realize the importance of it."

The Comprehensive Ethics Program emphasizes strong ethics by showing employees how the principles of character, honesty, and integrity form the foundation for interpersonal and professional relationships.

"Miami-Dade County Public Schools has given employees clear standards and strong direction to meet the complex ethical demands of public sector work," says Superintendent Rudolph Crew. "Just as important, this program has helped us begin to regain our stakeholders' confidence in our stewardship of their tax dollars and their children's education."

Under the new program, the inspector general is responsible for investigations and internal control reviews. The inspector general reports to the Florida Department of Education, which board members say demonstrates the board's commitment to promoting the highest levels of integrity throughout the district. The office has investigated 90 cases during its first 18 months.

**"AS AN EDUCATIONAL
BODY, WE MUST PRACTICE
ON A DAILY BASIS
WHAT WE TEACH
OUR CHILDREN
IN THE CLASSROOM."**

"Our strategies and programs have been board driven, rather than sent to us for a rubber stamp," says Frank J. Bolaños, the board's chairman.

Such a system, he says, holds everyone accountable and models the right sort of personal and professional behaviors for impressionable youngsters. "As an educational body, we must practice on a daily basis what we teach our children in the classroom," Bolaños says.

Under the Comprehensive Ethics Program, all employees and board members receive ethical training. More than 28,000 employees were trained in the first stage of the ethics project, which covered three different subjects: employee conduct, conflict of interest, and public/private information.

The ethics training is a centerpiece of the board's initiative, according to district officials. The results of the training are far-reaching and include:

- A workforce that is recognized as exemplifying sound ethical standards.
- A public school staff well-known for being role models with high ethical standards that students want to emulate.
- A staff recognized for its ability to make decisions grounded in knowledge of the laws and regulations governing ethics in the area of education.
- A school system enjoying more trust and respect from the community, media, and government.

The district's Ethics Advisory Committee was instrumental in developing the district's Code of Ethics. That code, established by the school board, outlines fundamental principles for employees in governing themselves.

Board policy also requires employees to certify that they have read, understand, and will abide by the Code of Ethics. The policy stipulates that any infraction of the ethics code will be reported to the district's Office of Human Resources and to its inspector general.

In addition, Crew says, Miami-Dade is the only school district in the nation that requires all of its employees—including the superintendent and school board members—to complete ethics training.

"That sends a powerful message to all stakeholders," Crew says, "including our impressionable students, that our ethical standards are high and that no one is exempt from meeting them."

For more information, contact Joseph Garcia, chief communications officer, at (305) 995-4638, or by e-mail at JLGarcia@dadeschools.net. The district's website is www.dadeschools.net.



Miami-Dade is the only district in the nation to require its employees, as well as the superintendent and school board, to complete ethics training.