



POLICY 3.24

- 4-F** I recommend that the Board adopt the proposed revised Policy 4.112, entitled “Investigations of Complaints Against School Board Personnel by School Board Members,” which will be renumbered as Policy 3.24.

[Contact: Gerald A. Williams, Esq., and Bruce A. Harris, Esq., PX 48500.]

Adoption

CONSENT ITEM

- The Board approved development of this Policy at the first reading on March 28, 2007.
- This Policy, currently in Chapter Four, is being transferred to Chapter Three, as most Policies in Chapter Four will be repealed.
- The substance of the Policy remains the same.

POLICY 4.112 3.24

**INVESTIGATIONS OF COMPLAINTS AGAINST SCHOOL BOARD
PERSONNEL BY SCHOOL BOARD MEMBERS**

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4 1. This ~~Policy Section~~ shall not apply to personnel investigations ~~conducted~~ initiated
5 by the Superintendent pursuant to Fla. Stat. § 1012.33 or 1012.34 ~~Section~~
6 ~~231.291, Florida Statutes~~, and School Board Policy 3.25.
- 7 2. In the event, a School Board members desires to file a formal complaint
8 concerning any employee, the complaint shall be in writing and forwarded to the
9 attention of the Superintendent for review. The complaint will remain confidential
10 pending investigation/resolution of the complaint.
- 11 3. The Superintendent ~~or his~~ designee shall investigate the complaint. A statement
12 shall be obtained from the complaining School Board member which shall be
13 made a part of the investigative file.
- 14 4. The School Board member who files a complaint against an employee shall be
15 prohibited from directing the investigation.
- 16 5. The Superintendent shall review all information received concerning the
17 complaint and determine whether probable cause exists to recommend
18 disciplinary action against the employee pursuant to School Board Policy 3.27.
- 19 6. If the Superintendent determines that there is no probable cause to seek
20 disciplinary action against the employee, the Superintendent shall provide written
21 notice of this determination to the employee, with a copy to the complaining
22 School Board member.
- 23 7. If the Superintendent recommends disciplinary action against the employee, the
24 School Board member who filed the complaint should determine whether he or
25 she ~~desires to~~ should abstain from voting on the recommendation due to a
26 conflict of interest.
- 27 8. If the School Board member who files a complaint is dissatisfied with the
28 disposition of the complaint taken by the Superintendent, the School Board
29 member shall inform the remaining School Board members at the next regularly
30 scheduled School Board meeting. The remaining School Board members, after
31 being fully advised of the matter by the Superintendent and legal counsel, by
32 majority vote, shall determine if they desire to request any additional action
33 should to be taken.
- 34 9. In the event the initial complaint by a School Board member is against the
35 Superintendent, Chief Counsel, or District Auditor, the provisions of the

36 Superintendent's respective contracts governing the Superintendent's that
37 person's employment shall be followed.

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39 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.43(11); 1012.23(1)
40 120.53(1), 230.22, F.S.

41 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.43(11); 1012.33, 1012.34; 120.57(4),
42 120.62, 231.291, F.S.

43 HISTORY: ~~New: 8/4/82; Revised: 07/11/90 (as 4.112);~~ / /2007 (as 3.24)

Legal Signoff:

The Legal Department has reviewed proposed Policy 3.24 and finds it legally sufficient for development by the Board.

Attorney

Date