

1210 - STANDARDS OF ETHICAL CONDUCT

Definitions

For purposes of this policy, the term "administrator" means those individuals identified in F.S. 1012.01(3). Administrative personnel typically perform management activities such as developing broad policies for the District and executing those policies through the direction of personnel at all levels within the District. Administrative personnel are generally high-level, responsible personnel who have been assigned the responsibilities of systemwide or schoolwide functions, including the following:

- A. the superintendent;
- B. District-based instructional administrators;
[DRAFTING NOTE: Pursuant to F.S. 1012.01 (3) - included in this classification are persons with district-level administrative or policymaking duties who have broad authority for management policies and general District operations related to the instructional program. Such personnel often report directly to the superintendent and supervise other administrative employees. This classification includes assistant, associate, or deputy superintendents and directors of major instructional areas, such as curriculum, federal programs such as Title I, specialized instructional program areas such as exceptional student education, career education, and similar areas.]
- C. District-based noninstructional administrators;
[DRAFTING NOTE: Pursuant to F.S. 1012.01 (3) —included in this classification are persons with district-level administrative or policymaking duties who have broad authority for management policies and general District operations related to the noninstructional program. Such personnel often report directly to the superintendent and supervise other administrative employees. This classification includes assistant, associate, or deputy superintendents and directors of major noninstructional areas, such as personnel, construction, facilities, transportation, data processing, and finance.]
- D. school administrators;
[DRAFTING NOTE: Pursuant to F.S. 1012.01 (3) - included in this classification are: (1) school principals or school directors who are staff members performing the assigned activities as the administrative head of a school and to whom have been delegated responsibility for the coordination and administrative direction of the instructional and noninstructional activities of the school. This classification also includes career center directors; and (2) Assistant principals who are staff members assisting the administrative head of the school. This classification also includes assistant principals for curriculum and administration.]
- E. others who perform management activities.

[DRAFTING NOTE: To the extent the District employs any individual not identified in categories (1) through (4), the District should list those titles here.]

Standards of Ethical Conduct

[DRAFTING NOTE: The Principles of Professional Conduct for the Education Profession in Florida (Principles) apply to teaching certificate holders (educators). Certificate holders who violate the Principles may be disciplined by the School Board (employment) and the Florida Department of Education (teaching certificate).

Although the Board is not required to adopt the Principles as its Standards of Ethical Conduct, Neola has included the Principles in this Policy template to provide the Board with clear, uniform Standards of Ethical Conduct applicable to all employees regardless of whether they are a teaching certificate holder.

Option 1 is a restatement of the Principles modified to replace "educator" with "administrator".

Option 2 does not restate the Principles, but Option 2 requires administrators to abide by them.]

[CHOOSE OPTION #1 OR OPTION #2]

[X] Option #1

Administrators shall be guided by and adhere to the following ethical principles:

- A. The administrator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.
- B. The administrator's primary professional concern will always be for the student and for the development of the student's potential. The administrator will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.
- C. The administrator strives to achieve and sustain the highest degree of ethical conduct because s/he is aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community.

District administrators shall comply with the following disciplinary principles. Violation of any of these principles shall subject the individual to revocation or suspension of the individual administrator's certificate, or the other penalties as provided by law.

A. Obligation to the student requires the District administrator shall:

- 1. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety;
- 2. not unreasonably restrain a student from independent action in pursuit of learning;
- 3. not unreasonably deny a student access to diverse points of view;
- 4. not intentionally suppress or distort subject matter relevant to a student's academic program;
- 5. not intentionally expose a student to unnecessary embarrassment or disparagement;
- 6. not intentionally provide classroom instruction to students in prekindergarten through grade 8 on sexual orientation or gender identity, except when required by F.S. 1003.42(2)(n)3. and 1003.46;
- 7. not intentionally provide classroom instruction to students in grades 9 through 12 on sexual orientation or gender identity unless such instruction is required by State academic standards as adopted in F.A.C. 6A-1.09401, as is part of a reproductive health course or health lesson for which a student's parent has the option to have their student not attend;
- 8. not intentionally violate or deny a student's legal rights;
- 9. not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being unless the individual reasonably believes that disclosure would result in abuse, abandonment, or neglect as defined in F.S. 39.01;
- 10. not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable efforts to assure that each student is protected from harassment or discrimination; discrimination on the basis of race, color, national origin, or sex includes subjecting any student to training or instruction that espouses, promotes, advances, inculcates, or compels such student to believe any of the concepts listed in F.S. 1000.05(4)(a);
- 11. not exploit a relationship with a student for personal gain or advantage;
- 12. keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;

13. not violate F.S. 553.865(9)(b), which relates to entering restrooms and changing facilities designated for the opposite sex on the premises of an educational institution; and,
14. not violate F.S. 1000.071, which relates to the use of personal titles and pronouns in educational institutions.

B. **Obligation to the public requires that the District administrator shall:**

1. take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated;
2. not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression;
3. not use institutional privileges for personal gain or advantage; (see also Policy 1129, *Conflict of Interest*)
4. accept no gratuity, gift, or favor that might influence professional judgment; (see also Policy 1129, *Conflict of Interest*)

(NOTE: Pursuant to F.S. 112.313, no administrator shall solicit or accept anything of value including a gift (see F.S. 112.312), loan, reward, promise of future employment, favor, or service based upon an understanding that the vote, official action, or judgment of the administrator would be influenced thereby.)

5. offer no gratuity, gift, or favor to obtain special advantages. (see also Policy 1129, *Conflict of Interest*)

C. **Obligation to the profession of education requires that the District administrator shall:**

1. maintain honesty in all professional dealings;
2. not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background deny to a colleague professional benefits or advantages or participation in any professional organization;
3. not interfere with a colleague's exercise of political or civil rights and responsibilities;
4. not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable efforts to assure that each individual is protected from such harassment or discrimination;
5. not make malicious or intentionally false statements about a colleague;
6. not use coercive means or promise special treatment to influence professional judgments of colleagues;
7. not misrepresent one's own professional qualifications;
8. not submit fraudulent information on any document in connection with professional activities;
9. not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position;
10. not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment;

11. provide upon the request of a certificated individual a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment;
 12. not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these *Principles of Professional Conduct for the Education Profession in Florida* and other applicable Florida statutes and State Board of Education rules;
 13. self-report within forty-eight (48) hours to appropriate authorities (as determined by the District)a District authority, as determined by the Superintendent, any arrest for a felony or misdemeanor offense listed in F.S. 435.04, including any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance;
- Such notice self-report is not to be considered an admission of guilt nor shall such notice self-report be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory.
- In addition, District administrators shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of F.S. 943.0585(4)(c) and F.S. 943.059(4)(c).
14. report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1);
 15. seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1);
 16. comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice; and
 17. as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.
- D. No administrative staff member shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature that is in substantial conflict with the proper discharge of his/her duties in the public interest. (see also Policy 1129, *Conflict of Interest*)
- E. No administrator shall solicit or accept anything of value including a gift (See F.S. 112.312), loan, reward, promise of future employment, favor, or service, based upon an understanding that the vote, official action, or judgment of the administrator would be influenced thereby.
- F. All District administrative staff members shall adhere to the ethical and disciplinary principles enumerated above.

[END OF OPTION #1]

[] Option #2

~~The School Board hereby establishes the ethical and disciplinary principles set forth in the Florida Administrative Code as the *Principles of Professional Conduct for the Education Profession in Florida* as the District's standards of ethical conduct and requires all administrators to adhere to them.~~

~~No administrator shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature that is in substantial conflict with the proper discharge of his/her duties in the public interest. (see also Policy 1129, *Conflict of Interest*)~~

~~No administrator shall solicit or accept anything of value including a gift (See F.S. 112.312), loan, reward, promise of future employment, favor, or service, based upon an understanding that the vote, official action, or judgment of the administrator would be influenced thereby.~~

[End of Option #2]

Stolen Valor

The Superintendent and Board employees shall not knowingly misrepresent military service for material gain as set forth in F.S. 112.3131. These prohibitions include, but are not necessarily limited to, the following:

- A. misrepresenting by making false, fictitious, or fraudulent statements or representations, directly or indirectly, that they are or were:
 - 1. a service member or veteran of the Armed Forces of the United States;
 - 2. the recipient of a decoration, medal, title, or honor from the Armed Forces of the United States or otherwise related to military service, including, but not limited to those listed in F.S. 112.3131;
 - 3. a holder of an awarded qualification or military occupational specialty, including, but not limited to, any of those listed in F.S. 112.3131; or,
 - 4. that they actively served in the Armed Forces of the United States during a wartime era, regardless of whether there was a declared war, or served in combat operations in a warzone, or were a prisoner of war.
- B. wearing the uniform or any medal or insignia authorized for use by members or veterans of the Armed Forces of the United States which they are not authorized to wear.

"Material gain" means any thing of value, regardless of whether the value is monetary, remunerative, or tangible, which is received by or given to, or is intended to be received by or given to, an individual. The term includes, but is not limited to, food, lodging, compensation, travel expenses, placards, public benefits, public relief, financial relief, obtaining or retaining employment or a promotion in such individual's current employment or public employment, including gaining a position in state or local government with authority over another person, regardless of whether the individual receives compensation or remuneration for their service in the position; obtaining or retaining state or local public office through election or appointment; or any thing in which or for which a tangible benefit was gained, even if the value of such benefit is de minimis. Violations are subject to disciplinary action up to and including dismissal.

Certificate Holder Serving as Principal

Pursuant to the *Principles of Professional Conduct for the Education Profession*, a principal who is a certificate holder shall not prevent, direct school personnel to prevent, or allow school personnel to prevent students from accessing any material used in a classroom, made available in a school or classroom library, or included on a reading list unless the certificate holder or his/her designee has reviewed the material and determines it violates the prohibitions in State law, or the material is unavailable to students based upon Board policies adopted to implement the relevant provisions of State law.

[Drafting Note: F.S. 1001.42(6) does not require that administrative staff members receive training annually on the standards of ethical conduct; rather, the statute requires that the Board's policies require "all educational support employees, instructional personnel, administrative personnel, and school officers, as defined in s. 1012.01, to complete training on the standards." Neola recommends that school boards continue to require that educational support employees, instructional personnel, administrative personnel, and school officers receive annual training. As such, the policy template continues to include the requirement that such training be provided annually.]

Training

All administrators shall be required to complete training on the standards established herein upon employment and annually thereafter.

Responsibilities Related to Allegations of Misconduct

Pursuant to F.S. 1001.42(7), the superintendent may not knowingly sign and transmit to any State official a report of alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student which the superintendent knows to be false or incorrect, or knowingly fail to adopt policies that require instructional personnel and school administrators to report alleged misconduct by

other instructional personnel and school administrators, or that require the investigation of all reports of alleged misconduct by instructional personnel and school administrators, if the misconduct affects the health, safety, or welfare of a student. Violation of these provisions will result in the forfeit of the superintendent's salary for one (1) year.

F.S. 112.312

F.S. 112.313

F.S. 112.3131

F.S. 112.317

F.S. 1001.42

F.S. 1001.42(6)

F.S. 1001.421

F.S. 1006.28

F.S. 1006.32

F.S. 1012.23

F.A.C. 6A-10.081