

4210 - STANDARDS OF ETHICAL CONDUCT

[DRAFTING NOTE: The *Principles of Professional Conduct for the Education Progression 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 (FLDOE) (teaching certificate).

Although the School 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 "support staff member".

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

[CHOOSE OPTION #1 OR OPTION #2]

[X] Option #1

Support staff members shall be guided by and adhere to the following ethical principles:

- A. The support staff member 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 support staff member's primary professional concern will always be for the student and for the development of the student's potential. The support staff member will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.
- C. The support staff member 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.

~~All District support staff members shall comply with the following disciplinary principles.~~

[CHOOSE ONE (1) OF THE FOLLOWING TWO (2) OPTIONS]

[X] All District support staff members shall comply with the following disciplinary principles.

~~[] District support staff members who have direct access to students shall comply with the following disciplinary principles.~~

[END OF OPTIONS]

Individuals who violate any of these principles shall be subject to disciplinary action, as well as other penalties as may be provided by law.

- A. Obligation to the student requires that the District support staff member 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. ~~Rule~~ 6A-1.09401, or 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 support staff member 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 4129, *Conflict of Interest*)
4. accept no gratuity, gift, or favor that might influence judgment; (see also Policy 4129, *Conflict of Interest*)
(NOTE: Pursuant to F.S. 112.313, no support staff member 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 support staff member would be influenced thereby.)
5. offer no gratuity, gift, or favor to obtain special advantages. (see also Policy 4129, *Conflict of Interest*)

C. Obligation to the profession of education requires that the District support staff member shall:

1. maintain honesty in all 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 a District authority, as determined by the Superintendent, any arrest for a felony or misdemeanor offense listed in F.S. 435.04, including to appropriate authorities (as determined by the District) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance;

Such self-report notice shall not be considered an admission of guilt nor shall such self-report notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, District support staff members 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 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).
- D. No support 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 4129, *Conflict of Interest*)

E. All District support staff members shall adhere to the 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 of the Education Profession in Florida* as the District's standards of ethical conduct and requires all support staff members to adhere to them.

No support 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 their duties in the public interest. (see also Policy 4129, *Conflict of Interest*)

No support staff member 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 support staff member would be influenced thereby.

[END OF OPTION #2]

Stolen Valor

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 anything 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.

[Drafting Note: F.S. 1001.42(6) does not require that educational support 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.]

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

F.S. 112.312

F.S. 112.313

F.S. 112.3131

F.S. 112.317

F.S. 1001.42(6)

F.S. 1001.421

F.S. 1006.32

F.S. 1012.23

F.A.C. 6A-10.081