

## 0124 - STANDARDS OF ETHICAL CONDUCT

### [Select Option #1 or #2]

#### [X ] Option #1

Members of the School Board recognize their individual duty to promote the best interests of the District. Public schools as a whole and each Board member shall adhere to the following educational and ethical standards.

[X ] Board members must have a sincere desire to serve the educational needs of the community. Decisions must be based on the best interests of students and not on political or personal interests.

Board members recognize their individual duty to promote the best interests of the District. In doing so, members of the Board shall be guided by the *Principles of Professional Conduct for the Education Profession in Florida*, F.A.C. 6A-10.081, which outlines the following ethical principles:

- A. Board members value 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. Board members share the primary professional concern for the student and for the development of the student's potential. Members of the Board will, therefore, strive for professional growth and will seek to exercise the best professional judgment and integrity.
- C. Board members strive to achieve and sustain the highest degree of ethical conduct because they are aware of the importance of maintaining the respect and confidence of their colleagues, of students, of parents, and of other members of the community.

Members of the Board shall strive to fulfill the following obligations:

- A. Obligation to the student requires that members of the Board do what is necessary and appropriate so that:
  - 1. students are protected from conditions harmful to learning and/or to the students' mental and/or physical health and/or safety is protected as well.
  - 2. students are not unreasonably restrained from independent action in pursuit of learning.
  - 3. students are not unreasonably denied access to diverse points of view.
  - 4. subject matter relevant to a student's academic program is not intentionally suppressed or distorted.
  - 5. students are not intentionally exposed to unnecessary embarrassment or disparagement.
  - 6. students are not intentionally provided classroom instruction 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. students are not intentionally provided 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 by F.A.C. 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. student's legal rights are not intentionally violated.

9. parents are not discouraged or prohibited 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. students are not harassed or discriminated against on the basis of race, color, nationality or ethnic origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, political beliefs, social and family background, military status, ancestry, or genetic information and each student is protected from harassment or discrimination.
  11. District staff members, administrators, or officials do not exploit a relationship with a student for personal gain or advantage.
  12. personally identifiable information obtained in the course of professional service is kept in confidence unless disclosure serves professional purposes or is required by law.
  13. the Board member shall 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.
  14. the Board member shall 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 members of the Board do what is necessary and appropriate so that:
1. District staff members, administrators, and officials distinguish between personal views and those of the District.
  2. facts concerning an educational matter are not intentionally distorted or misrepresented in direct or indirect public expression.
  3. institutional privileges are not used for personal gain or advantage. (see also Bylaw 0141.2, *Conflict of Interest*)
  4. District staff members, administrators, and officials do not accept a gratuity, gift, or favor that might influence professional judgment. (see also Bylaw 0141.2, *Conflict of Interest*)
  5. District staff members, administrators, and official do not offer a gratuity, gift, or favor to obtain special advantages. (see also Bylaw 0141.2, *Conflict of Interest*)
- C. Obligation to the profession of education requires that members of the Board do what is necessary and appropriate so that:
1. all District staff members, administrators, and official maintain honesty in all professional dealings.
  2. a District staff member, administrator, or official is not denied professional benefits or advantages or participation in any professional organization not on the basis of race, color, national or ethnic origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, political beliefs, social and family background, military status, ancestry, or genetic information.
  3. District staff members, administrators, or officials do not interfere with a District staff member's, administrator's, or official's exercise of political or civil rights and responsibilities.
  4. a District staff member, administrator, or official does 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, so that each District staff member, administrator, or official is protected from such harassment or discrimination.

5. a District staff member, administrator, or official does not make malicious or intentionally false statements about another District staff member, administrator, or official.
  6. a District staff member, administrator, or official does not use coercive means or promises of special treatment to influence professional judgments of a colleague.
  7. a District staff member, administrator, or official does not misrepresent one's own professional qualifications.
  8. District staff members, administrators, or officials do not submit fraudulent information on any document in connection with professional activities.
  9. District staff members, administrators, or officials do 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. District staff members, administrators, or officials do not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.
  11. a District staff member, administrator, or official does not assist with entry into or continuance in the profession of any person known to be unqualified in accordance with the *Principles of Professional Conduct for the Education Profession in Florida*, other applicable Florida statutes, State Board of Education rules, and Board policies.
  12. a District staff member, administrator, or official self-reports within forty-eight (48) hours to appropriate authorities (as determined by the District) to 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 shall 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, Board 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.
  13. a District staff member, administrator, or officials understand their duty to 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).
  14. a District staff member, administrator, or official does not seek 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. Members of the Board shall not 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 Bylaw 0141.2, *Conflict of Interest*)
- E. Each Board member must recognize that decisions must be made by the Board as a whole and that when made, these decisions must be supported by the entire Board.
- F. All Board members shall adhere to the principles enumerated above.

[END OF OPTION #1]

[ ] Option #2

~~[DRAFTING NOTE: If your district prefers to develop Standards of Ethical Conduct unique to the District, use the track changes tool to delete all of Option 1 and insert your District-specific Standards of Ethical Conduct below.]~~

~~[DRAFTING NOTE: The Standards of Ethical Conduct developed by your District will be considered District-specific and will not be subject to Neola's Warranty. When developing the District's Standards of Ethical Conduct those standards should be reviewed by your District's legal counsel.]~~

#### **[END OF OPTION #2]**

#### **Mandatory Training**

Members of the Board shall complete four (4) hours of ethics training each calendar year that addresses, at a minimum, the constitutional "Sunshine Law" provisions (Article II, Section 8), the statutory *Code of Ethics for Public Officers and Employees* (F.S. Chapter 112, Part III), and the public records and public meetings laws. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

Members of the Board are also required to complete training annually on the standards of ethical conduct established in this bylaw.

#### **Gifts**

Members of the Board may not solicit any gift or knowingly accept, directly or indirectly, a gift valued in excess of \$50.00 or an honorarium from a person, vendor, potential vendor or other entity doing business with the Board, from a political committee, or from a lobbyist (and related individuals and entities) who lobbies the reporting individual's agency (see F.S. 1001.421). "Vendor" is defined by F.S. 112.3148 relating to gifts and F.S. 112.3149 relating to honoraria to mean a business entity doing business directly with an agency, such as renting, leasing, or selling realty, goods, or services. The term "gift" has the same meaning as in F.S. 112.312(12). This prohibition applies as well to relatives, as defined in F.S. 112.312(21).

In addition to the foregoing, members of the Board shall not solicit or accept anything of value including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the Board member would be influenced thereby.

Board members are further required to follow all Florida laws applicable to the solicitation or acceptance of gifts, including F.S. 112.313 and 112.3148. Board members must review these laws upon taking office and are encouraged to do so periodically during the course of their term in office.

#### **Stolen Valor**

Candidates for, and members of the Board, 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.

#### **Responsibilities Related to Allegations of Misconduct**

Pursuant to F.S. 1001.42(7), a Board member 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 Board member 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 or 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 this provision will result in the forfeit of the Board member's salary for one (1) year.

#### **Appointment or Employment of Relative**

Pursuant to F.S. 1012.23(2), Board members may not appoint or employ a relative, as defined in F.S. 112.3135, to work under their direct supervision. This limitation does not apply to employees appointed or employed before the election or appointment of the Board member.

F.S. 112.312

F.S. 112.313

F.S. 112.3131

F.S. 112.3142

F.S. 112.3148

F.S. 112.3149

F.S. 112.317

F.S. 1001.42(6)

F.S. 1001.421

F.S. 1012.23

F.A.C. 6A-10.081