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Title	REVISED BYLAW - VOL. 19, NO. 2 - STANDARDS OF ETHICAL CONDUCT
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## **REVISED BYLAW - VOL. 19, NO. 2**

### **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. In doing so, members of the Board shall be guided by and adhere to the following ethical principles:

- A. Members of the Board 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. Members of the Board 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. Members of the Board 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~~The School Board hereby establishes the following as the standards of ethical conduct for all members of the Board:~~

- A. Obligation to the student requires that members of the Board do what is necessary and appropriate so that~~A Board member shall:~~
  1. students are protected~~make a reasonable effort to protect the student~~ from conditions harmful to learning and/or to the students'~~student's~~ mental and/or physical health and/or safety is protected as well.
  2. students are not unreasonably ~~restrain~~restrained ~~a student~~ from independent action in pursuit of learning.
  3. students are not unreasonably ~~deny a student~~denied access to diverse points of view.
  4. ~~not intentionally suppress or distort~~ subject matter relevant to a student's academic program is not intentionally suppressed or distorted.
  5. students are not intentionally ~~expose a student~~exposed to unnecessary embarrassment or disparagement.
  6. ~~not intentionally violate or deny a~~ student's legal rights are not intentionally violated.
  7. students are not harasseded or discriminatedd against ~~any student~~ on the basis of race, color, nationality or ethnic origin, religion, 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~~national or ethnic~~

~~origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background, military status, ancestry, or genetic information~~ and ~~shall make reasonable efforts to assure that~~ each student is protected from harassment or discrimination.

8. District staff members, administrators, or officials do not exploit a relationship with a student for personal gain or advantage.
9. ~~keep in confidence~~ personally identifiable information obtained in the course of professional service is kept in confidence, unless disclosure serves professional purposes or is required by law.

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 ~~take reasonable precautions to~~ distinguish between personal views and those of the District ~~any educational institution or organization with which the individual is affiliated.~~
2. ~~not intentionally distort or misrepresent~~ facts concerning an educational matter are not intentionally distorted or misrepresented in direct or indirect public expression.
3. ~~not use~~ 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 no gratuity, gift, ~~honoraria~~, or favor that might influence professional judgment. (see also Bylaw 0141.2, Conflict of Interest)
5. ~~not directly or indirectly solicit any gift or knowingly accepting, directly or indirectly, a gift~~

**~~[OPTION 1 — CHOOSE THIS OPTION IF YOU WANT TO ALLOW BOARD MEMBERS TO ACCEPT GIFTS.]~~**

~~(-) valued in excess of \$\_\_\_\_\_~~

**~~[NOTE: The statutory limit is \$50.00.]~~**

**~~[OPTION 2 — CHOOSE THIS OPTION IF YOU WANT TO PROHIBIT BOARD MEMBERS FROM ACCEPTING GIFTS ENTIRELY.]~~**

~~(-) of any value~~

**~~[NOTE: The statutory limit is \$50.00.] [END OF OPTIONS]~~**

~~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 (are 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, no Board member shall 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 application 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.~~

6. District staff members, administrators, and official do not offer a no 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 ~~religion~~, 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, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background, military status, ancestry, or genetic information ~~deny to a colleague professional benefits or advantages or participation in any professional organization.~~

3. District staff members, administrators, or officials do not interfere with a District staff member's, administrator's, or official's ~~colleague'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 ~~shall make reasonable efforts to assure that each individual~~ 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 ~~a colleague~~.
6. a District staff member, administrator, or official does not use coercive means or promises of special treatment to influence professional judgments of a ~~colleagues~~.
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. ~~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. 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 ~~these~~ *Principles of Professional Conduct for the Education Profession in Florida*, ~~and~~ other applicable Florida statutes, ~~and~~ State Board of Education rules, and Board policies.
13. a District staff member, administrator, or official self-reports within forty-eight (48) hours 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 notice shall not be considered an admission of guilt nor shall such notice 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. ~~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. 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).
15. a District staff member, administrator, or official does not 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. ~~cooperate with the Education Practices Commission in monitoring the probation of a subordinate.~~
17. ~~comply with all duties and responsibilities set forth in the K-20 Education Code and the Code of Ethics for Public Officers and Employees.~~

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. All Board members shall adhere to the principles enumerated above. ~~Furthermore, 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 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 Board member's salary for one (1) year.~~

[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 these standards should be reviewed by your District's legal counsel.]**

**[END OF OPTION #2]**

~~The School Board hereby establishes the principles enumerated in the Principles of Professional Conduct of the Education Profession in Florida as the District's standards of ethical conduct and requires all Board members to adhere to them.~~

### **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~~In addition, a Board member~~ may not solicit any gift or knowingly accept, directly or indirectly, a gift

**[OPTION A1 - CHOOSE THIS OPTION IF YOU WANT TO ALLOW BOARD MEMBERS TO ACCEPT GIFTS.]**

( ) valued in excess of \$ \_\_\_\_\_

**[NOTE: The statutory limit is \$50.00. [END OF OPTION A1]**

**[OPTION A2 - CHOOSE THIS OPTION IF YOU WANT TO PROHIBIT BOARD MEMBERS FROM ACCEPTING GIFTS ENTIRELY.]**

( ) of any value

**[NOTE: The statutory limit is \$50.00.] [END OF OPTION A2]**

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, ~~no Board~~ 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.

**[End of Options]**

~~All Board members 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.~~

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

~~P~~Furthermore, 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.

F.S. 112.312

F.S. 112.313

F.S. 112.3142

F.S. 112.3148

F.S. 112.3149

F.S. 1001.42(6)

F.S. 1001.421

F.S. 1012.23

F.A.C. 6A-10.081 ~~6B-1.001~~

~~F.A.C. 6B-1.006~~

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Legal	F.S. 112.312
	F.S. 112.313
	F.S. 112.3142
	F.S. 112.3148
	F.S. 112.3149
	F.S. 1001.42(6)
	F.S. 1001.421
	F.S. 1012.23
	F.A.C. 6A-10.081

Last Modified by Patrick Lefere on May 10, 2019