

Policy 3.02 Code of Ethics

1. Purpose and Authority

The School Board of Palm Beach County (Board) believes it is imperative that public officials and public employees act in the highest ethical manner and preserve the public trust. To carry out the important duties and responsibilities entrusted to the Board, Superintendent and Board/District employees, it is important that clear, comprehensive ethical requirements be established so that members of the public will have confidence in the operations of the Board and the management of the Palm Beach County School District (District). To ensure the citizens of Palm Beach County and the State of Florida a degree of accountability within the School District, this Code of Ethics is designed to protect the health, safety and general welfare of students and employees and to define unethical conduct justifying administrative or disciplinary action.

It is the Board's intent to create a culture that fosters trust, a commitment to excellence and responsibility, personal and institutional integrity, and avoids conflicts of interest and appearances of impropriety. Thus, the Board Members, the Superintendent, administrators, teachers and other employees of Palm Beach County Public Schools, as public servants and educators, are to be bound by this Code of Ethics. The term "employee" as used herein, applies to all these groups regardless of full, part time or interim status. This policy shall extend also to the District's guests, invitees, and volunteers while they are on District property or are participating in District-related activities.

All Board Members and employees shall adhere to this policy, the "Code of Ethics for Public Officers and Employees", as set forth in the Florida Ethics Code, Part III of Chapter 112, Florida Statutes, and the "Code of Ethics of the Education Profession in Florida and the Principles of Professional Conduct for the Education Profession in Florida", Chapter 6B-1.001 and-1.006, F.A.C., and the "Ethics in Education Act", Chapter 2008-108, Laws of Florida, as now or hereafter amended, which are incorporated by reference and made a part of this policy. This Code of Ethics shall be viewed as additive or supplemental to the above state laws, rules and regulations. To the extent this Code of Ethics is not in conflict with any laws, regulations or School Board policies, this Code of Ethics shall control. Specific authority for the adoption of this policy is provided by Sections 112.326 and 1001.42, Florida Statutes.

2. Application and Enforceability

The Code of Ethics applies to all Board Members and employees and extends to guests, invitees, and volunteers while they are on District property or are participating in District-related events. Violations of this Code of Ethics may result in administrative or disciplinary action, up to and including suspension, dismissal, or other actions as required by law. This Code may apply when the conduct of the employee occurs on or off District property, at a school sponsored event or non-school sponsored event.

3. Making Ethical Decisions

While this Code of Ethics provides general guidance, it does not provide a complete listing or a definitive answer to every possible ethical situation. It is the intention of the Board in enacting this policy that the use of good judgment, based on high ethical principles and following such precedent as may be established by the Florida Commission on Ethics and Florida Education Practices Commission, will serve as a guide in determining appropriate conduct in any circumstance. When making decisions, the Superintendent and District employees should use good judgment to fulfill the spirit as well as the letter of this Code of Ethics, and should:

- a. Evaluate the situation and identify ethical issues.
- b. Consult this Code of Ethics, state laws and regulations, and the School Board's Policies and apply them to the situation.
- c. Ask for guidance. In the event an individual is unsure of the proper course of action to be taken in a particular circumstance, guidance may be requested from the Chief Counsel, Chief Academic Officer or Chief Operations Officer, as appropriate.

4. Accountability and Compliance

Each employee agrees and pledges:

- a. To provide the best example possible; striving to demonstrate excellence, integrity and responsibility in the workplace.
- b. To obey local, state and national laws, codes and regulations.
- c. To support the principles of due process to protect the civil and human rights of all students and individuals.
- d. To treat all students and individuals with respect and to strive to be fair in all matters.
- e. To create an environment of trust, respect and non-discrimination, by not permitting discriminatory, demeaning or harassing behavior of students or colleagues.
- f. To take responsibility and be accountable for his or her acts or omissions.
- g. To avoid conflicts of interest or any appearance of impropriety.
- h. To cooperate with others to protect and advance the District and its students.
- i. To report improper conduct.
- j. To be efficient and effective in the delivery of all job duties.

5. Ethical Standards

- a. **Abuse of Students – We are committed to ensuring that employee-student relationships are positive, professional and non-exploitative. We will not tolerate improper employee-student relationships.** Each employee should always maintain a professional relationship with students, both in and outside of the classroom. Unethical conduct includes but is not limited to:
 - i. Committing any act of child abuse, including physical and verbal abuse.
 - ii. Committing any act of cruelty to children or any act of child endangerment.
 - iii. Using one's professional relationship or authority with students for one's personal advantage.
 - iv. Engaging in, or being convicted of, a crime involving children as provided in Section 1012.315, Florida Statutes, as now or hereafter amended.
 - v. Engaging in any sexually related behavior with a student with or without consent of the student. Sexually related behavior shall include, but not be limited to, such behaviors as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape; threats of physical harm; sexual assault and any sexual act as provided for in Section 1012.315, Florida Statutes.
 - vi. Engaging in bullying or harassing behavior on the basis of race, gender, sex, national origin, age, religion or disability, sexual orientation or gender identity in violation of School Board Policy Nos. **5.001** (Protecting Students from Harassment and Discrimination); **5.81** (Protecting Students from Sexual Harassment and Discrimination), as now or hereafter amended; and **5.002** (Prohibition of Bullying and Harassment) as now or hereafter amended; or, in violation of any related federal or state laws.
 - vii. Engaging in misconduct which affects the health, safety and welfare of a student(s).
 - viii. Soliciting, encouraging, participating or consummating an inappropriate written, verbal, or physical relationship with a student.
 - ix. Furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student or allowing a student to consume alcohol, or illegal/unauthorized drugs, contrary to School Board Policy Nos. **3.96** (Drug-and Alcohol-free Workplace) and **3.961** (Drug and Alcohol-free Workplace Policy for Employees Performing Safety-Sensitive Functions and Holders of Commercial Drivers Licenses), as now or hereafter amended.
- b. **Alcohol or Drugs – We are committed to holding each other responsible for our performance as School District employees and as individuals.** Employees should refrain from the use of alcohol or illegal or unauthorized drugs while performing their official duties. Unethical conduct includes but is not limited to:
 - i. Being in the work place, on school premises or at a school-related activity involving students while under the influence of, possessing, selling using, or consuming illegal or unauthorized drugs, contrary to School Board Policy Nos. **3.96** (Drug-and Alcohol-free Workplace) and **3.961** (Drug and Alcohol-free Workplace Policy for Employees Performing Safety-Sensitive Functions and Holders of Commercial Drivers Licenses).
 - ii. Being in the work place, on school premises or at a school-related activity involving students while documented as being under the influence of, possessing, or consuming alcoholic beverages, contrary to School Board Policy Nos. **3.96** (Drug-and Alcohol-free Workplace) and **3.961** (Drug and Alcohol-free Workplace Policy for Employees Performing Safety-Sensitive Functions and Holders of Commercial Drivers Licenses). A school-related activity includes, but is not limited to, any activity sponsored by the school or school system (i.e. booster clubs, parent-

- teacher organizations, or any activity designed to enhance the school curriculum, i.e., science trip).
- iii. Engaging in, or being convicted of or found guilty of, or entering a plea of guilty, regardless of adjudication of guilt, of any misdemeanor or felony crime involving the sale or possession of a controlled substance.
- c. **Misrepresentation or Falsification – We are committed to candor in our work relationships, providing other Board employees including supervisors, senior staff and Board members with accurate, reliable and timely information.** Employees should exemplify honesty and integrity in the performance of their official duties for the School District. Unethical conduct includes but is not limited to:
- i. Falsifying or misrepresenting professional qualifications, criminal history, college or staff development credit and/or degrees, academic award, and employment history when applying for employment and/or certification or when recommending an individual for employment, promotion or certification;
 - ii. Falsifying or misrepresenting information submitted on behalf of the School District to federal, state and other governmental agencies;
 - iii. Falsifying or misrepresenting information reported regarding the evaluation of students and/or District personnel;
 - iv. Failing to report all actual or suspected cases of child abuse, abandonment or neglect as required by Section 1006.061, F.S., as now or hereafter amended;
 - v. Failing to report suspected or actual misconduct of employees that affects the health, welfare or safety of a student;
 - vi. Falsifying or misrepresenting reported reasons for absences or leaves;
 - vii. Falsifying, misrepresenting, or omitting information submitted in the course of an official inquiry/investigation; and
 - viii. Knowingly reporting alleged misconduct of a District employee which affects the health, safety or welfare of a student which the reporting party knows to be false or incorrect.
- d. **Improper Remunerative Conduct – We are committed to a practice of not accepting gifts or gratuities in violation of the State Code of Ethics or which give the appearance that the gift improperly influenced our decisions. We will not solicit students, parents, vendors, lobbyists or others for anything that provides us a personal benefit different than the public.** Unethical conduct includes but is not limited to:
- i. Soliciting students or parents of students to purchase equipment, supplies or services from the employee or to participate in activities that financially benefit the employee, contrary to School Board Policy Nos. **2.21** (School Requests of Payment from Students), **2.15** (Solicitation of Funds in Schools) and **2.16** (Fund-Raising Activity), as now or hereafter amended.
 - ii. Accepting gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest.
 - iii. Tutoring students contrary to any applicable School Board Policy or collective bargaining agreement.
 - iv. Referring a parent or student to a service, service provider or product in return for anything of value. Officers or employees making referrals as part of their official duties shall make referrals to more than one provider of the service or product, if available. For example, school counselors shall refer parents or students to more than one provider of medical services, if available. Additionally, an employee shall not refer a parent or student to any service, service provider, or product in which that employee has a financial interest, without first disclosing in writing the employee's interest to the parent or student.
 - v. Soliciting or accepting money or any other thing of value including, but not limited to gifts, favors, services, or promises of future employment, in return for advice or assistance on matters concerning the operation of the business of the Board.
- e. **Avoidance of Conflicts of Interest and Receipt of Improper Outside Income – We are committed to declining outside income that might be perceived as inconsistent, incompatible or in conflict with our official duties. We will not make decisions or use our position for personal benefit or to gain an improper advantage.** Employees are governed by the statutory provisions in the “Code of Ethics for Public Officers and Employees (Code of Ethics),” and certain statutes in the Florida School Code. As employees, you must comply with the provisions of the Code of Ethics, the “Code of Ethics of the Education Profession in Florida and the Principles of Professional Conduct for the Education Profession in Florida”, Chapter 6B-1.001 and-1.006, F.A.C., and the provisions outlined herein.

A conflict of interest can exist anytime your position or decisions provide the District with a financial benefit or improper advantage. A conflict of interest shall be defined as a situation in which the employee's regard for a private interest tends to lead to a disregard of the employee's public duty or

interest. We are permitted to receive outside income as long as it does not create a conflict with our work in the School District. Unethical conduct includes, but is not limited to, the employee:

- i. Participating in the decision to make a contract between the School Board and a business or entity in which the employee has a personal or financial interest. This includes contractual relationships with units of government as well as for profit and not for profit organizations such as charter schools.

An employee who has a personal or financial interest because of a relationship with such a business, governmental agency or not for profit organization must recuse him or herself from any decision concerning that entity, including any decision to contract or not to contract with the entity and the administration of the contract. The reason for the recusal must be stated in writing and filed with the Superintendent, or his or her designee, and the School Board Attorney prior to or at the time of the action requiring recusal.

- ii. Soliciting or accepting an Honorarium, which is related to the employee's job duties. "Honorarium" shall be defined consistent with Section 112.3149, F.S., as a payment of money or anything of value paid to the employee or on his or her behalf as consideration for an oral presentation or writing other than a book.
 - iii. Advertising business or professional activities on school district property or use work hours, property or services to perform or promote personal business or professional activities, or to campaign or raise money for any candidates for political office.
 - iv. Participating in the review and approval of publications or materials for school district purchase by the office in which the employee is employed if the employee or a member of the employee's immediate family is the author/editor of or has any financial interest in the sale of such publications or materials.
 - v. Accepting outside income in any situation where a reasonable person in the community would conclude that the receipt of the income would be inconsistent, incompatible or in conflict with the employee's official duties with the school district.
 - vi. Soliciting or accepting any personal gifts, favors or benefits of more than nominal value during a calendar year from any single person or organization that might benefit from the employee's decision. This provision does not apply to: (a) meals provided at an event at which the employee participates in a seminar or similar activity; (b) travel expenses and meals paid by a local, state, federal government agency; or (c) lawful campaign contributions.
 - vii. Soliciting or accepting, directly or indirectly, any payments or other benefits under circumstances that would create in the mind of a reasonable person in the community the belief that such payments or benefits were provided with the intent to improperly influence the employee's actions. This provision does not apply to lawful campaign contributions.
 - viii. Personally representing another person or entity or acting as an agent or attorney for compensation in connection with any matter in which the School District is interested for two (2) years after employment with the School District, contrary to School Board Policy No. **3.22** (Standards of Conduct for Former School Board Members and Employees).
 - ix. Engaging in political activities prohibited by School Board Policy No. **2.59** (Political Activities on School Board Property).
 - x. Appointing, employing, supervising, promoting, evaluating or advancing an employee contrary to the provisions of School Board Policy No. **3.60** (Nepotism).
- f. **Public Funds and Property – We are committed to ensuring that District facilities, equipment, supplies, or other District resources are used for District purposes only. Except for occasional and incidental personal use, we will not tolerate improper use of public resources, and will report and reimburse the District for costs associated with personal use.** The provisions herein shall not be applicable to community or public use of District facilities pursuant to School Board Policy **7.18**. Employees entrusted with public funds and property should honor that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to:
- i. Failing to use public or school-related funds and School Board property for School District purposes and in a manner specified by School Board Policy, administrative procedures or guidelines or by federal or state laws;
 - ii. Failing to account for public funds collected from students, parents or other parties;
 - iii. Submitting fraudulent requests for reimbursement of expenses or for pay;
 - iv. Co-mingling public or school-related funds with personal funds or checking accounts; and
 - v. Using school district property without the necessary approval.

- g. **Confidentiality of Information - We are committed to abiding by all laws and School Board Policies concerning the confidentiality of student and personnel information, standardized test material, and other such information determined to be confidential by law.** No current or former employee shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his/her position of employment. Unethical conduct includes, but is not limited to:
- i. Sharing of confidential information concerning student academic and disciplinary records, health and medical information, family status income or assessments/testing results, unless disclosure is required or permitted by law or School Board Policy.
 - ii. Sharing of confidential information restricted by state or federal law.
 - iii. Threatening the integrity of student testing security, or failing to maintain student testing security, by examining, reading, revealing, or copying the passages, test items, or performance tasks; interpreting or reading test items or passages for students; changing or otherwise interfering with student responses to test items; causing achievement of schools to be inaccurately measured or reported; and copying or reading student responses.
 - iv. Sharing of confidential information from a closed session of the School Board prior to such information becoming a public record subject to disclosure.
- h. **Criminal Acts – We are committed to reporting criminal conduct, and other conduct that damages the integrity or reputation of the School District.** Employees should abide by federal, state and local laws. Unethical conduct includes but is not limited to:
- i. Committing or being convicted of felonies involving breach of public trust and other specified offenses as provided in Section 112.3173, Florida Statutes, as now or hereafter amended;
 - ii. Committing, being convicted or found guilty of, or entering a plea of guilty, regardless of adjudication of guilt, of any crime involving moral turpitude, as defined by State Board of Education Rule 6B-4.009, FAC, as now or hereafter amended;
 - iii. Failing to report the arrest or conviction for criminal acts as provided in School Board Policy 3.13 (Self Reporting of Arrests and Convictions by School District Employees); or
 - iv. Committing or being convicted of criminal acts as provided in School Board Policy 3.13 (Self Reporting of Arrests and Convictions by School District Employees).
- i. **Professional Conduct – We are committed to ensuring that our power and authority are used in an appropriate, positive manner that enhances the public interest and trust.** Employees should demonstrate conduct that follows generally recognized professional standards. Unethical conduct is any conduct that impairs the ability of any holder of a necessary license, certificate, etc., to function professionally in his or her employment position or a pattern of behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students or the workplace. Unethical conduct includes, but is not limited to, the following:
- i. Failing to maintain any necessary certification or licensure required in the performance of job duties for the School District.
 - ii. Failing to report the alleged misconduct of a fellow employee, or to complete an investigation relative to allegations of misconduct of a fellow employee, which affects the health, safety or welfare of a student.
 - iii. Entering into a confidentiality agreement regarding terminated or dismissed instructional employees and school administrators, or personnel or administrators who are dismissed or resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety or welfare of a student.
 - iv. Providing employment references or discussing the instructional personnel's or school administrator's performance with prospective employers in another educational setting, without disclosing the personnel's or administrator's misconduct.

6. **Employee Exercising Contract Management Authority**

No School Board official or employee shall exercise contract management authority where any relative or domestic partner of the official or employee is employed by or has contracts with any person doing work over which the official or employee has or exercises contract management authority. Contract Management Authority means personal involvement in or direct supervisory responsibility for the formulation or execution of a contract. This includes, without limitation, the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms, and/or supervision of contract performance.

An employee who exercises contract management authority regarding any Board business or transaction shall not exercise such authority in connection with:

- a. Board business with an entity in which the official or employee has financial interest;

- b. Board business with a person with whom the employee has an employment relationship;
- c. Board business with a person with whom the employee has a business relationship; and
- d. Any contract in which the employee's spouse, other relative or domestic partner has a financial interest.

For the purposes of this section, the term "relative" shall be defined as provided in §112.312(21), Florida Statutes, as now or hereinafter amended. The term "financial interest" shall be defined as such financial benefit/asset or liability consistent with the provisions of Article II, §8, *Florida Constitution*, the Florida Code of Ethics, and the rules of the Florida Commission on Ethics.

7. Statutory Compliance

Those covered by this policy shall abide by any and all applicable state and federal laws and regulations that pertain to the matters addressed in this Code of Ethics.

8. Procedures for Reporting Ethical Violations and Misconduct

- a. **Reporting Procedures.** It is the responsibility of all District employees to promptly report any complaint alleging a violation of this policy and any applicable Florida ethics laws or State Board of Education ethic standards, including any complaint against instructional staff or school administrative staff that includes grounds for the revocation or suspension of a teaching certificate. Any and all complaints shall be promptly reported to the Office of Employee Relations. If the Director of Employee Relations determines that a preliminary investigation is needed, he or she will notify the Superintendent, and submit the complaint for investigation in accordance with this policy. If after preliminary investigation and consultation, the Director of Employee Relations determines that the available evidence provides a reasonable basis for a full investigation, a full investigation of the complaint shall take place in accordance with subparagraph (b) herein.

The person alleged to have committed the violation shall be notified of the complaint and of the investigation, and shall be given an opportunity to present evidence in response to the complaint, personally or through legal counsel as part of the investigation.

- b. **Investigation of Complaints.** Complaints of employee misconduct in violation of this policy and other relevant state laws are to be reported to the Superintendent as the chief executive officer of the School District. Such reports shall be investigated under the legal authority of the Superintendent subject to the provisions of Sections 1012.315, 1012.795 and 112.3188, Florida Statutes, until such investigation has been completed. Upon making a finding of a violation, the Superintendent shall take appropriate actions, including any disciplinary action. The Superintendent shall establish a mechanism for the receipt of complaints, including the reporting by a hotline or website.

- i. **Violations committed by instructional and school administrative staff** - Any complaint against instructional personnel and school administrators, as defined in Section 1012.01, Florida Statutes, or personnel qualified and employed pursuant to Section 1012.39, Florida Statutes, that comes to an employee's attention and that includes grounds for the revocation or the suspension of a teaching certificate, or acts prohibited by the Ethics in Education Act, Chapter 2008-108, Laws of Florida, shall be reported to the Office of the Superintendent or the Employee Relations Office. The willful failure by a school board employee to promptly report a complaint shall constitute cause of discipline of the employee as provided by law and Board policy.

If the allegations are of criminal misconduct, the complaint shall be reported to and investigated by the School Police as provided herein and reported to the Superintendent. If the allegations are of fraudulent conduct, including the misappropriation or misuse of District funds, the complaint shall be investigated by the Internal Auditor and reported to the Superintendent and School Board for proper disposition.

The Superintendent shall ensure that all alleged misconduct against instructional staff or school administrative staff are timely filed in writing with the Florida Department of Education. The Superintendent or his designee shall make such reports in accordance with state law and rules. If a report concerns the Superintendent, it shall be reported to the Board and the Board Chair shall file the report.

- c. No remedy or other protection under this policy applies to any person who has committed or intentionally participated in committing the violation or suspected violation for which protection under this policy is being sought.

10. Post-Membership and Post-Employment Restrictions

In accordance with the Florida Code of Ethics, the following provisions shall govern the conduct of former School Board members and employees. For the purposes of this paragraph, “personally represent another person or entity for compensation” shall mean the actual physical attendance on behalf of a client in a School Board or School District proceeding, the writing of letters of filing of documents on behalf of a client, and personal communications made with the officers or employees of the School Board or School District on behalf of a client, as provided in §112.312(22), Florida Statutes, as now or hereafter amended.

- a. No former School Board member may personally represent another person or entity for compensation before the School Board or School District for a period of two (2) years following the vacation of the School Board member’s office, pursuant to the provisions of §112.313(13), (14), Florida Statutes, as now or hereafter amended.
- b. No former employee of the School District may personally represent another person or entity for compensation before the School Board or School District for a period of two (2) years following the termination of his or her employment with the School District, pursuant to the provisions of §112.313(13), Florida Statutes, as now or hereafter amended.

11. Acknowledgement/Certification of Code of Ethics

Each employee will be required to sign an Acknowledgement/Certification Form in substantially the form and substance attached as Exhibit “A”, which is incorporated herein by reference, acknowledging that the employee has read, understands and agrees to abide by this Code of Ethics as well as the state laws and School Board policies and regulations cited in the Code. Failure to sign the Acknowledgement/Certification Form will not excuse a failure to comply with the Code of Ethics. The Acknowledgement/Certification Form shall be completed in accordance with the process determined by the Office of Human Resources, Recruitment.

12. Ethics and Compliance Training

The Superintendent will direct the ethics and compliance training as well as other programs designed to promote the District’s commitment as set forth in this Code of Ethics. Specifically, instructional personnel and school administrators, as defined by §1012.01, F.S., shall be provided training on this Code of Ethics and the provisions of the Ethics in Education Act and reporting requirements, as provided in Chapter 2008-108, Laws of Florida.

13. Reports to Other Appropriate Agencies

It is not the intention of this policy to prevent the filing of reports or complaints to appropriate agencies pursuant to their standards. In instances in which the right to file complaints directly with those agencies exists, the filing of a complaint pursuant to this policy is available as an alternative form of reporting.

Exhibit A

Code of Ethics

Acknowledgment

I, the undersigned, _____,

(Print your name)

hereby certifies as follows:

- 1. I have completed the mandatory training on School Board Policy 3.02 (Code of Ethics).

2. I have received copies of School Board Policy 3.02 (Code of Ethics) which incorporates by reference The Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statutes; the Code of Ethics of the Education Profession in Florida and the Principles of Professional Conduct for the Education Profession in Florida, State Board of Education Rules 6B-1.001 and 1.006, F.A.C.; and the "Ethics in Education Act", Chapter 2008-108, Laws of Florida.
3. I have read and understand this School Board Policy.
4. I agree to abide by and comply with School Board Policy 3.02 throughout my employment with Palm Beach County School District.

Date _____

YOUR SIGNATURE

Your title, position or relationship with the

Palm Beach County School Board

Employee Number or Work Location

PLEASE RETURN THIS ACKNOWLEDGEMENT TO: Division of Human Resources/Customer Relations Room A-128 Fax (561) 434-8093 Telephone (561) 434-8953

STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41; 1001.42; 112.313; 1012.23

LAWS IMPLEMENTED: Fla. Stat. §§ Ch. 112, Part III; 1012.795; 1012.796; Ch. 2008-108, L.O.F.

STATE BOARD OF EDUCATION RULE: F.A.C. 6B-1.006

HISTORY: 5/06/2009