

**SAMPLE POLICY ON ETHICAL CONDUCT
OF INSTRUCTIONAL PERSONNEL
AND
SCHOOL ADMINISTRATORS**

CAUTION

The attached policy on ethical conduct of instructional personnel and school administrators is provided as a sample only. The topics included in this sample policy are meant to offer a broad range of items from which a district or school can create and establish policy on ethical conduct of instructional personnel and school administrators. A school or district may wish to consider a policy that not only meets the statutory obligations, but also addresses the unique needs of the district or school. It is suggested that districts and schools use this sample as a guide in conjunction with the review of current contracts to ensure that any policy adopted does not conflict with or violate provisions of current adopted policy.

WORKPLACE STANDARDS AND POLICIES

ETHICAL CONDUCT OF INSTRUCTIONAL PERSONNEL AND SCHOOL ADMINISTRATORS

As a representative of the school and district, personnel and administrators must demonstrate and uphold standards of ethical conduct both in and outside of the classroom. As a public employee and a role model to students, instructional personnel and school administrators have a duty, at all times, to:

Abide by the Code of Ethics of the Education Profession in Florida (Rule 6B-1.001, F.A.C.)

1. The educator 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.
2. The educator's primary professional concern will always be for the student and for the development of the student's potential. The educator will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.
3. 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, the educator strives to achieve and sustain the highest degree of ethical conduct.

Uphold the Principles of Professional Conduct for the Education Profession in Florida (Rule 6B-1.006, F.A.C.)

1. **Obligation to the student requires that the individual:**
 - a. Shall make 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.
 - b. Shall not unreasonably restrain a student from independent action in pursuit of learning.
 - c. Shall not unreasonably deny a student access to diverse points of view.
 - d. Shall not intentionally suppress or distort subject matter relevant to a student's academic program.
 - e. Shall not intentionally expose a student to unnecessary embarrassment or disparagement.
 - f. Shall not intentionally violate or deny a student's legal rights.
 - g. Shall 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 effort to assure that each student is protected from harassment or discrimination.
 - h. Shall not exploit a relationship with a student for personal gain or advantage.
 - i. Shall keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.

2. Obligation to the public requires that the individual:

- a. Shall take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.
- b. Shall not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.
- c. Shall not use institutional privileges for personal gain or advantage.
- d. Shall accept no gratuity, gift, or favor that might influence professional judgment.
- e. Shall offer no gratuity, gift, or favor to obtain special advantages.

3. Obligation to the profession of education requires that the individual:

- a. Shall maintain honesty in all professional dealings.
- b. Shall 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.
- c. Shall not interfere with a colleague's exercise of political or civil rights and responsibilities.
- d. Shall 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 effort to assure that each individual is protected from such harassment or discrimination.
- e. Shall not make malicious or intentionally false statements about a colleague.
- f. Shall not use coercive means or promise special treatment to influence professional judgments of colleagues.
- g. Shall not misrepresent one's own professional qualifications.
- h. Shall not submit fraudulent information on any document in connection with professional activities.
- i. Shall not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.
- j. Shall not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.
- k. Shall provide upon the request of the 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.
- l. Shall 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.
- m. Shall self-report within forty-eight (48) hours to appropriate authorities (as determined by 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, 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 Sections 943.0585(4)(c) and 943.059(4)(c), Florida Statutes.

- n. Shall report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 1012.795(1), Florida Statutes.
- o. Shall 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 Section 1012.795(1), Florida Statutes.
- p. Shall comply with the conditions of an order of the Education Practices Commission.
- q. Shall, as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

Abide by all school policies and procedures with steadfast adherence to the following:

Immediately report known or suspected child abuse or neglect to the Florida Department of Children and Families Toll-Free Hotline (1-800-96-ABUSE)

In accordance with section 39.201, Florida Statutes, any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall report such knowledge or suspicion to the Department of Children and Families (DCF) Central Abuse Hotline at 1-800-96-ABUSE.

Instructional personnel and school administrators may report such information to DCF in unison, but reporting to another school employee does not fulfill the legal obligation to report to DCF.

A person who is required by statute to report known or suspected abuse or neglect and fails to do so, is subject to disciplinary action by the employer, by the State Department of Education and/or through criminal prosecution.

In section 39.01(2), Florida Statutes, the term "Abuse" means any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

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In section 39.01(44), Florida Statutes, an act of "Neglect" occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired.

In section 39.01(47), Florida Statutes, "Other person responsible for a child's welfare" includes the child's legal guardian or foster parent; an employee of any school, public or private child day care center, residential home, institution, facility, or agency; a law enforcement officer employed in any facility, service, or program for children that is operated or contracted by the Department of Juvenile Justice; or any other person legally responsible for the child's welfare in a residential setting; and also includes an adult sitter or relative entrusted with a child's care.

In accordance with section 39.203, Florida Statutes, any person who reports in good faith any instance of child abuse, abandonment, or neglect to the Department of Children and Families or any law enforcement agency, shall be immune from any civil or criminal liability which might otherwise result by reason of such action.

Immediately report to the district designee any alleged misconduct that affects the health, safety or welfare of a student, by other instructional personnel or school administrators

In accordance with section 1012.795(1)(b) Florida Statutes, any instructional personnel or school administrator must report alleged misconduct that affects the health, safety or welfare of a student by instructional personnel or school administrators. If instructional personnel or school administrators have knowledge of a violation of section 1012.795 or the Principles of Professional Conduct or the district code of conduct, designated employees shall immediately report the nature of the misconduct to the district designee.

The district designee is (insert name here).

Instructional personnel or school administrators who fail to report misconduct of other instructional personnel or school administrators that affect the health, safety or welfare of students shall be subject to disciplinary action up to and including termination of employment and revocation of their Florida Educator Certificate.

Prohibition of Bullying and Harassment

All students and school employees have the right to an educational setting that is safe, secure, and free from harassment and bullying of any kind. The district will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and/or harassment, as defined by district policy and section 1006.147, Florida Statutes, are prohibited.

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Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students and may involve but is not limited to:

1. Teasing
2. Social Exclusion
3. Threat
4. Intimidation
5. Stalking
6. Physical violence
7. Theft
8. Sexual, religious, or racial harassment
9. Public humiliation
10. Destruction of property

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or school employee that:

1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
3. Has the effect of substantially disrupting the orderly operation of a school.

Bullying and Harassment also include:

Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.

Perpetuation of conduct listed in paragraph (a) or paragraph (b) by an individual or group with intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee by:

- a. Incitement or coercion;
- b. Accessing or knowingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the district school system; or
- c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

Discrimination Prohibited

All employees shall abide by the school district's policy on prohibiting discrimination. No person shall, on the basis of race, color, religion, gender, age, marital status, disability, political or religious beliefs, national or ethnic origin, or sexual orientation, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this school district, except as provided by law.

Confidentiality Agreement Prohibited

In accordance with section 1001.42(6), Florida Statutes, neither the school board nor any employee of the school board may enter into a confidentiality agreement, written or verbal, with an instructional personnel or school administrator who resigns, is terminated, or resigns in lieu of termination due to allegations, in whole or in part, of misconduct related to the health safety or welfare of a student. Any part of an agreement that has the purpose or effect of concealing misconduct which affects the health, safety or welfare of a student is void and contrary to public policy and shall not be enforced.

Reference Checks

In accordance with section 1001.42(6), Florida Statutes, neither the school board nor any employee of the school board may provide instructional personnel or school administrators with employment references or discuss their performance with prospective employers from another educational setting without also disclosing the personnel's or administrator's misconduct.

In accordance with section 768.095, Florida Statutes, an employer who discloses information about a former or current employee to a prospective employer of the former or current employee upon request of the prospective employer or of the former or current employee is immune from civil liability for such disclosure or its consequences unless it is shown by clear and convincing evidence that the information disclosed by the former or current employer was knowingly false or violated any civil right of the former or current employee protected under chapter 760, Florida Statutes.

Alcohol and Drug Free Workplace

No employee shall possess, consume, sell, distribute, dispense, use or be under the influence of any alcoholic beverage in the workplace, including all school sponsored events that may be on or off school grounds. No employee shall possess, consume, inject or ingest, sell, manufacture, distribute, dispense, use or be under the influence of, on or off the job, or in the workplace, including all school sponsored events that may be on or off school grounds, any narcotic drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined in the Controlled Substances Act and as further defined by regulations at 21 CFR 12001.11 through 1300.15 or Florida Statutes Chapter 893, without a lawful prescription. As a condition of employment, each employee will abide

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by the terms of this policy and notify the Superintendent of any arrest for a criminal drug offense within 48 hours.

Reasonable Suspicion Tests

As a condition of continued employment, current employees shall submit to drug screening when reasonable suspicion exists to believe that an employee is using a substance that is impairing the employee and/or his or her job performance.

Perform duties in a competent manner

Continuing evaluation of instructional and administrative staff is necessary to enable the school board to monitor the effectiveness and competence of instructional and administrative staff members and to assist them in the improvement of their professional performance. In accordance with section 1012.34, Florida Statutes, the performance and capacity of instructional and administrative staff shall be evaluated according to procedures established by the Superintendent.

Physical Examinations and Medical Evaluations

The Superintendent may require a physical, psychological, and /or psychiatric examination by a physician licensed in the state of Florida when in the Superintendent's judgment such an examination is relevant to the teaching performance or employment status of the school board employee. The Superintendent shall select the physician(s), psychologist(s), or psychiatrist(s) and shall pay all costs incurred in the examination(s). The employee shall allow the report of the physician, psychologist or psychiatrist to be submitted to the Superintendent with a copy being forwarded to the employee.

Conflicts of Interest

No employee shall engage in conduct, which creates a conflict of interest. A conflict of interest shall be defined as a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

Corporal Punishment

Pursuant to section 1002.20(4)(c), Florida Statutes, corporal punishment of a public school student may only be administered by a teacher or school principal within guidelines of the school principal and according to district school board policy. If corporal punishment is used, it must be administered in accordance with section 1003.32(1) (k), Florida Statutes.

Reasonable Force

In accordance with sections 1003.32, 1006.11 and 1012.75, Florida Statutes, reasonable force, as defined by State Board of Education Rule, may be used by school district personnel in order to maintain a safe and orderly learning environment.

Acceptable Use of School Property and Resources

All employees shall use district resources, electronic and otherwise, only for duties and activities in support of the educational goals and policies of the school board. Use of such district resources, electronic and otherwise, for purposes not related to the educational goals and policies of the school board can result in adverse action against the employee, up to and including termination and, when appropriate, certification action and/or criminal charges.

Weapons

Except as provided in sections 790.115, 790.06, and 1006.12, Florida Statutes, the School Board prohibits all staff from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the Board including, but not limited to, property leased, owned, or contracted by the Board, or a school-sponsored event. (A weapon and examples thereof are as defined school policy.)

Security of Tests

All mandatory tests administered by or through the State Board of Education and / or School District administered national norm-referenced achievement tests shall be secured pursuant to Florida Statutes and State Board of Education Rules. The loss of testing materials, cheating or any other breach of test security procedures and laws shall be reported immediately to the testing coordinator.

Dress Code

All instructional staff and school administrators shall be physically clean, neat and well groomed and shall dress in a manner consistent with being a professional.

Tobacco Use in District Facilities

All use of tobacco products in any form are prohibited in or on any district-owned building, facility or property.

Electronic Communications and Social Networking Sites

Instructional Personnel and School Administrators shall use caution and good judgment when using electronic communications and social networking sites. Any information relayed to students via electronic communications shall be professional in nature and

related to a student's academic progress. Any information posted to or communicated through a social networking site shall not bring disfavor, embarrassment or condemnation to the employee, student or school district.

Training Required

All instructional personnel and school administrators must engage in annual training on the standards of ethical conduct and the policy for reporting misconduct. Training may be provided or conducted as determined appropriate by the district, but at a minimum must include examples of violations of the Code of Ethics and Principles of Professional Conduct and potential penalties, information on how to properly identify and report child abuse or neglect, procedures on how to report misconduct of other instructional personnel and school administrators, requirements of self-reporting criminal charges, the nature and consequences of disqualifying offenses, the importance of being a role model, and the fiduciary responsibility of being an educator.

Reports to the Office of Professional Practices Services (DOE)

Any violation of these standards of conduct may result in the information being reported to the Office of Professional Practices Services for investigation to determine if disciplinary action should be taken against an educator's Florida Educator Certificate.