

Rudolph F. Crew, Superintendent of Schools

**SUBJECT: PROPOSED PROMULGATION OF NEW SCHOOL BOARD RULE:
FINAL READING 6Gx13- 4A-1.213, CODE OF ETHICS**

**COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND
PERSONNEL SERVICES**

The School Board of Miami-Dade County, Florida, announced on August 18, 2004, its intention to promulgate new School Board Rule 6Gx13- 4A-1.213, Code of Ethics, at its meeting of October 20, 2004.

The Notice of Intended Action was published in the *Miami Daily Business Review* on August 23, 2004, posted in various places for public information, and mailed to various organizations representing persons affected by the new rule and to individuals requesting notification.

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with the provisions of the Administrative Procedures Act, this new rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the proposed new rule.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt new School Board Rule 6Gx13- 4A-1.213, Code of Ethics and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective October 20, 2004.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on August 18, 2004, its intention to promulgate new School Board Rule 6Gx13- 4A-1.213, Code of Ethics, at its meeting of October 20, 2004.

PURPOSE AND EFFECT: To provide guidance to employees on ethical issues and to promote the honest performance of professional duties, to adhere to laws and rules, and to support principles of due process.

SUMMARY: The Code of Ethics is intended to create an environment of honesty and integrity among all School Board Members, administrators, teachers and all other employees of Miami-Dade County Public Schools. The Code of Ethics contains fundamental principles consistent with the core values of the district.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1) (2); 1001.42(22); 1001.43(10), F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: Chapter 112, Part III, F.S.; 6B-1.001; 6B-1.006 F.A.C.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF October 20, 2004, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by September 14, 2004, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action, will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED NEW RULE is available to the public for inspection and copying at cost in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Dr. Marta Pérez
Date: August 10, 2004

Permanent Personnel**CODE OF ETHICS****I. INTRODUCTION**

All members of The School Board of Miami-Dade County, Florida, administrators, teachers and all other employees of Miami-Dade County Public Schools, regardless of their position, collective bargaining status or role, because of their dual roles as public servants and educators are to be bound by the following Code of Ethics. Adherence to the Code of Ethics will create an environment of honesty and integrity and will aid in achieving the common mission of providing a safe and high quality education to all Miami-Dade County Public Schools students.

As stated in the Code of Ethics of the Education Profession in Florida (State Board of Education Rule 6B-1.001):

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, students, parents, and other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.

Further, nonacademic and elected officials are bound to accept these principles since these groups reflect critical policy direction and support services for the essential academic purpose.

II. APPLICATION

This Code of Ethics applies to all members of The School Board of Miami-Dade County, Florida, administrators, teachers, and all other employees. The term "employee," as used herein, applies to all these groups regardless of full or part time status. It further applies to all personnel who receive any direct economic benefit such as membership in School Board funded insurance

programs regardless of whether the person is a direct employee of the School Board or an employee of a collective bargaining unit.

Employees are subject to various other laws, rules, and regulations, including but not limited to "The Code of Ethics for the Education Profession in Florida and the Principles of Professional Conduct of the Education Profession in Florida," Chapter 6B-1.001 and -1.006, F.A.C., the "Code of Ethics for Public Officers and Employees," found in Chapter 112, Part III of the Florida Statutes, and School Board Rule 6Gx13- 4A-1.212, Conflict of Interest, which are incorporated herein by reference and this Code of Ethics should be viewed as additive to these laws, rules and regulations. To the extent not in conflict with any laws, School Board rules or governmental regulations, this Code of Ethics shall control with regard to conduct. In the event of any conflict, the law, regulation or School Board Rule shall control.

III. FUNDAMENTAL PRINCIPLES

The fundamental principles upon which this Code of Ethics is predicated are as follows:

- Citizenship – Helping to create a society based upon democratic values; e.g., rule of law, equality of opportunity, due process, reasoned argument, representative government, checks and balances, rights and responsibilities, and democratic decision-making.
- Cooperation – Working together toward goals as basic as human survival in an increasingly interdependent world.
- Fairness – Treating people impartially, not playing favorites, being open-minded, and maintaining an objective attitude toward those whose actions and ideas are different from our own.
- Honesty – Dealing truthfully with people, being sincere, not deceiving them nor stealing from them, not cheating nor lying.
- Integrity – Standing up for your beliefs about what is right and what is wrong and resisting social pressure to do wrong.
- Kindness – Being sympathetic, helpful, compassionate, benevolent, agreeable, and gentle toward people and other living things.
- Pursuit of Excellence – Doing your best with the talents you have, striving toward a goal, and not giving up.
- Respect – Showing regard for the worth and dignity of someone or something, being courteous and polite, and judging all people on their merits. It takes three major forms: respect for oneself, respect for other people, and respect for all forms of life and the environment.
- Responsibility – Thinking before you act and being accountable for your actions, paying attention to others and responding to their needs. Responsibility emphasizes our positive obligations to care for each other.

Each employee agrees and pledges:

1. To abide by this Code of Ethics, making the well-being of the students and the honest performance of professional duties core guiding principles.
2. To obey local, state and national laws, codes and regulations.
3. To support the principles of due process to protect the civil and human rights of all individuals.
4. To treat all persons with respect and to strive to be fair in all matters.
5. To take responsibility and be accountable for his or her actions.
6. To avoid conflicts of interest or any appearance of impropriety.
7. To cooperate with others to protect and advance the District and its students.
8. To be efficient and effective in the delivery of job duties.

IV. CONFLICTS OF INTEREST

Employees shall employ independent objective judgment in performing their duties, deciding all matters on the merits, free of partiality or prejudice and unimpeded by conflicts of interest or other improper influences. 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. A conflict of interest shall exist upon use by an employee of the authority of his/her office or the use of any confidential information received through his/her employment for the private pecuniary benefit of the employee, or the employee's immediate family or a business with which the employee or a member of the employee's immediate family has employment or ownership worth \$5,000 or more, either directly or indirectly, without disclosure to the appropriate school district official.

Some areas in which conflicts may arise are discussed below. Employees are responsible for avoiding all conflicts of interest, whether or not listed below.

Financial Interest. An employee shall not engage, or have any interest, financial or otherwise, direct or indirect, in any business, transaction or professional entity, either as a director, officer, partner, trustee, employee, or manager in that entity, which conflicts with or impairs the proper discharge of official duties or which could bring disfavor or disrespect upon the employee or Miami-Dade Public Schools. This includes any related business owned in whole or in part by collective bargaining units.

Contracting Decisions. An employee shall not recommend, vote or otherwise participate in the decision to make any contract between the school district and any business or entity in which the employee has a personal or financial conflict of interest. This includes contractual relationships with units of government as well as for profit and not for profit organizations such as charter schools.

Employees shall be deemed to have a financial conflict of interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect on:

- The employee's immediate family distinguishable from its effect on the public generally;
- Any business entity in which the employee or a member of the employee's immediately family has a direct or indirect investment worth \$5,000 or more or in which the employee or a member of the employee's family is a director, officer, partner, trustee, employee, or holds any position;
- Any real property in which the employee or a member of the employee's immediate family has a direct or indirect worth of \$5,000 or more;
- Any source of income for the employee or the employee's immediate family of \$5,000 or more in any given 12-month period prior to the action being taken by the employee.

An employee who has a financial conflict of interest because of a relationship with a business, governmental agency or not for profit institution 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 such recusal must be stated in writing and filed with the Superintendent and the School Board Attorney prior to or at the time of the action requiring the recusal.

Honoraria. An employee will not solicit or accept an honorarium, which is related, directly or indirectly, to the employee's job duties. "Honorarium" shall be defined consistent with § 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.

Personal Advertisements. An employee shall not advertise business or professional activities on school property or use schoolwork hours, property or services to perform or promote personal, not for profit, or commercial enterprises or to campaign or raise money for any candidates for political office. This includes any collective bargaining unit commercial activities.

Employee Publications. An employee shall not participate 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.

Referrals. An employee shall not refer a parent or student to a service, service provider or product in return for anything of value. This includes referrals routed via collective bargaining units for which the bargaining unit or its employee and their immediate families receive any financial benefit. Officers or employees making referrals as part of their official duties shall make referrals to more than one provider of the service or product. For example, school counselors shall refer parents or students to more than one counselor or provider of medical services. 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 that interest to the parent or student.

Outside Income. Employees shall not accept any outside earned income in any situation where a reasonable person in the community could conclude that the receipt of the income would be inconsistent, incompatible or in conflict with the employee's official duties.

General Limitation on Solicitation. An employee shall not solicit, 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.

Gifts and Gratuities. The acceptance of gifts as per School Board rule, payments or other benefits from those with whom Miami-Dade County Public Schools does business, regardless of profit or not for profit status, can be improper. A gift is defined as anything of value that an employee receives, or that is paid or given to another on an employee's behalf without any payment or consideration received in return. Examples of gifts are tickets to sporting or cultural events, items of food, meals which cannot be immediately consumed such as a holiday party, use of facilities, forgiveness of debts, interests in real property, investments, or merchandise, or a rebate or discount (unless the rebate or discount is normally given to any member of the public). Employees who are in the position to make or influence a decision to spend school funds shall not solicit or accept 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; or (b) Travel expenses and meals paid by a local, state, federal or foreign government agency.

V. CONDUCT REGARDING STUDENTS

As set forth in the Principles of Professional Conduct for the Education Profession in Florida, each employee:

1. 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.
2. Shall not unreasonably restrain a student from independent action in pursuit of learning.
3. Shall not unreasonably deny a student access to diverse points of view.
4. Shall not intentionally suppress or distort subject matter relevant to a student's academic program.
5. Shall not intentionally expose a student to unnecessary embarrassment or disparagement.
6. Shall not intentionally violate or deny a student's legal rights.
7. 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.
8. Shall not exploit a relationship with a student for personal gain or advantage.
9. Shall keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.

VI. PERSONNEL MATTERS

Confidentiality. An educator shall comply with state, and federal laws and regulations, and local school board policies relating to the confidentiality of student records. Unethical conduct includes, but is not limited to, sharing of confidential information concerning student academic and disciplinary records, personal confidences, health or medical information, family status and/or income, and assessment/testing results.

Enforcement. Enforcement will be pursuant to State law and to School Board rules, which may include penalties for violations of the Code of Ethics that will be imposed pursuant to the applicable State law or School Board Rule.

Certification. Each employee will be required to sign a Certificate in substantially the form and substance attached as Exhibit "A", which is incorporated herein by reference, certifying that the employee: (i) has read, understands and agrees to abide by this Code of Ethics as well as the state laws and School Board rules and regulations cited in the Code; and (ii) has fully disclosed all known or suspected violation(s) of this Code of Ethics as well as any known or suspected violation(s) of the state laws or School Board rules and regulations referenced in the Code. A failure to sign the Certificate will not excuse a failure to comply with the Code of Ethics. The certification shall be according to a process determined by the Office of Human Resources. Infractions shall be reported to the Office of Human Resources and the Office of the Inspector General.

Specific Authority: F.S. 1001.41(1) (2); 1001.42(22); 1001.43(10) F.S.
Law Implemented, Interpreted, or Made Specific: Chapter 112, Part III, F.S.;
6B-1.001; 6B-1.006, F.A.C.

History
New:

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

EXHIBIT A

CERTIFICATE

I, the undersigned, _____
(Print your name)

Hereby certifies as follows:

1. I have received copies of School Board Rule 6Gx 13- 4A-1.213, **Code Of Ethics** which incorporate by reference The Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statute, The Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida and School Board Rule 6Gx13- 4A-1.212, Conflict of Interest (hereinafter collectively referred to as the "**Policy**");
2. I have read and understand the **Policy**; and
3. Except as set forth below, as of the date of this certificate, I am not aware of any information, transactions or events involving Miami-Dade County Public Schools that might indicate non-observance of the **Policy**.

(Please use a separate sheet of paper if you need additional space.)

Date _____

Your Signature

Print Name

Your Title, Position or Relationship with the
Miami-Dade County Public Schools

PLEASE RETURN THIS CERTIFICATE, NO LATER THAN _____
TO Mr. Howard S. Tames, Chief Personnel Officer, Office of Human Resources, VIA
THE ENCLOSED BY MAIL OR BY FACSIMILE (305-995-7013).

Mr. Howard S. Tames, Chief Personnel Officer
Office of Human Resources
1500 Biscayne Boulevard, Suite 241
Miami, FL 33132