

Office of the General Counsel
Walter J. Harvey, General Counsel

SUBJECT: **FINAL READING: PROPOSED AMENDMENTS TO SCHOOL BOARD POLICIES 1210, 3210 and 4210, STANDARDS OF ETHICAL CONDUCT**

COMMITTEE: **PERSONNEL, STUDENT, SCHOOL & COMMUNITY SUPPORT**

LINK TO STRATEGIC PLAN: **HIGHLY EFFECTIVE TEACHERS, LEADERS, & STAFF**

Authorization is requested for the Superintendent to amend Board Policies 1210, 3210 and 4210, *Standards of Ethical Conduct*, to conform to law and State Board of Education rule.

Policy 3210, *Standards of Ethical Conduct*, is proposed for amendment as a result of a revision to State Board of Education Rule 6A-10.081, *Principles of Professional Conduct for the Education Profession in Florida* (Feb. 21, 2023), specifying that Florida educators shall not intentionally provide classroom instruction to students in kindergarten through grade 3 on sexual orientation or gender identity. The amendments also specify that discrimination on the basis of race, color, national origin, or sex includes subjecting any student to training or instruction that espouses, promotes, advances, inculcates, or compels such student to believe any of the concepts listed in Section 1000.05(4)(a), F.S. Identical policy amendments are proposed for policies 1210 (administrators) and 4210 (support staff). These prohibitions were previously added to Policy 2215, *Program of Instruction*, 1362, 3362, 4362, *Prohibition on Discrimination and Harassment Based on Protected Categories*, 2260, *Nondiscrimination and Access to Equal Educational Opportunity*, and 5517, *Prohibition on Discrimination and Harassment Against Students Based on Protected Categories*, at the at the Board's regular meeting of October 19, 2022.

The Notice of Intended Action was published in the Miami Daily Business Review on March 20, 2023, and posted in various places for public information and mailed to various organizations representing persons affected by the adopted and amended Board policies and individuals requesting notification. The time to request a hearing or protest the adoption and amendment of these policies has elapsed.

The policy amendments were drafted in collaboration with, and reviewed by the Superintendent, Cabinet, and District staff. The Notice of Intended Action and policies with strikethroughs and underlines are attached.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Board Policies 1210, 3210 and 4210, *Standards of Ethical Conduct*, and authorize the Superintendent to file the policies with The School Board of Miami-Dade County, Florida, to be effective April 19, 2023.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on March 15, 2023, its intention to amend Board Policies 1210, 3210, and 4210, *Standards of Ethical Conduct*, at its meeting of April 19, 2023.

PURPOSE AND EFFECT: Board Policies 1210, 3210, and 4210, *Standards of Ethical Conduct*, are proposed for amendment as a result of a revision to State Board of Education Rule 6A-10.081, *Principles of Professional Conduct for the Education Profession in Florida*.

SUMMARY: Policies 1210, 3210, and 4210, *Standards of Ethical Conduct*, are proposed for amendment as a result of a revision to State Board of Education Rule 6A-10.081, *Principles of Professional Conduct for the Education Profession in Florida*, specifying that Florida educators shall not intentionally provide classroom instruction to students in kindergarten through grade 3 on sexual orientation or gender identity. The amendments also specify that discrimination on the basis of race, color, national origin, or sex includes subjecting any student to training or instruction that espouses, promotes, advances, inculcates, or compels such student to believe any of the concepts listed in Section 1000.05(4)(a), F.S.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: Fla. Stat. ss. 1001.32(2); 1001.41(1), (2); 1001.42(5), (6), (7), (8), 1001.43(11).

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: Fla. Stat. ss. 1000.05(4)(a); Fla. Admin. Code r. 6A-10.081.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF April 19, 2023, 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 in Section 120.54(1), F.S., must do so in writing by April 11, 2023, to the Superintendent, 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)

COPIES OF THE PROPOSED AMENDED POLICY are available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.



Book Policy Manual
Section April 19, 2023 - Final Reading
Title STANDARDS OF ETHICAL CONDUCT
Code 1210
Status Final Reading

1210 - **STANDARDS OF ETHICAL CONDUCT**

All employees are representatives of the District and shall conduct themselves, both in their employment and in the community, in a manner that will reflect credit upon themselves and the school system.

A. An administrator shall:

1. keep current in their subject area through attendance at professional meetings, acquaintance with professional publications, and participation in in-service activities;
2. make a 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;
3. not unreasonably restrain a student from independent action in pursuit of learning;
4. not unreasonably deny a student access to diverse points of view;
5. not intentionally provide classroom instruction to students in kindergarten through grade 3 on sexual orientation or gender identity;
- ~~5-6.~~ _____ not intentionally suppress or distort subject matter relevant to a student's academic program;
- ~~6-7.~~ _____ not intentionally expose a student to unnecessary embarrassment or disparagement;
- ~~7-8.~~ _____ not intentionally violate or deny a student's legal rights;
- ~~8-9.~~ _____ not harass or discriminate against any student on any basis prohibited by law or the School Board and shall make reasonable efforts to assure that each student is protected from discrimination and harassment, including but not limited to, making a report of discrimination, harassment, or retaliation for reporting discrimination and/or harassment, to the administrator or designee to whom the employee is responsible and/or the District's Office of Civil Rights Compliance (CRC);
- ~~9-10.~~ _____ not exploit a relationship with a student for personal gain or advantage (see Board Policy 1213, *Student Supervision and Welfare*);

~~10.11.~~ keep confidential personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;

~~11.12.~~ take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated;

~~12.13.~~ not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression;

~~13.14.~~ not use institutional privileges for personal gain or advantage (see also Policy 1129, *Conflict of Interest*);

~~14.15.~~ accept no gratuity, gift, or favor that might influence professional judgment (see also Policy 1129, *Conflict of Interest*);

Pursuant to F.S. 112.313, no administrator shall solicit or accept anything of value including a gift (see F.S. 112.312), loan, reward, promise of future employment, favor, or service based upon an understanding that the vote, official action, or judgment of the administrator would be influenced thereby.

~~15.16.~~ offer no gratuity, gift, or favor to obtain special advantages (see also Policy 1129, *Conflict of Interest*);

~~16.17.~~ maintain honesty in all professional dealings;

~~17.18.~~ maintain, prepare, and submit promptly all reports that may be required by State law, State Department of Education rules, Board policies, and administrative directives;

~~18.19.~~ not deny a colleague professional benefits, advantages, or participation in any professional organization based on any basis prohibited by law or the Board;

~~19.20.~~ not interfere with a colleague's exercise of political or civil rights and responsibilities;

~~20.21.~~ 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 efforts to assure that each individual is protected from such discrimination and harassment, including but not limited to, making a report of discrimination, harassment, or retaliation for reporting discrimination and/or harassment, to the administrator or designee to whom the employee is responsible and/or the District's Office of Civil Rights Compliance (CRC). [Discrimination on the basis of race, color, national origin, or sex includes subjecting any student to training or instruction that espouses, promotes, advances, inculcates, or compels such student to believe any of the concepts listed in F.S. 1000.05\(4\)\(a\)](#);

~~21.22.~~ not use abusive and/or profane language or display unseemly conduct in the workplace;

~~22.23.~~ not make malicious or intentionally false statements about a colleague;

~~23.24.~~ not use coercive means or promise special treatment to influence professional judgments of colleagues;

~~24.25.~~ not misrepresent one's own professional qualifications;

~~25-26.~~ not submit fraudulent information on any document in connection with professional activities;

~~26-27.~~ not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position;

~~27-28.~~ not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment;

~~28-29.~~ 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;

~~29-30.~~ 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;

~~30-31.~~ self-report within forty-eight (48) hours to appropriate authorities any arrest and final dispositions of such arrest other than minor traffic violations. (DUI is not considered a minor traffic violation.);

Administrators shall also 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.

~~31-32.~~ report any criminal act, and/or disruptive, and/or inappropriate behavior to the administrator or designee to whom the employee is responsible;

Allegations of child abuse and/or neglect **MUST** also be reported, immediately upon knowledge, to the Florida Department of Children and Families at 1-800-96ABUSE (1-800-962-2873) or online at <https://www.myflfamilies.com/service-programs/abuse-hotline/report-online.shtml>, to School Police at 305-995-COPS (305-995-2677), and the site administrator. Failure to immediately report child abuse and/or neglect to the proper authorities will lead to disciplinary action.

~~32-33.~~ 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);

~~33-34.~~ 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);

~~34-35.~~ comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice;

~~35-36.~~ as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

- B. No staff member shall 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 Policy 1129, *Conflict of Interest*).

All administrators shall be required to complete training on these standards upon employment and annually thereafter.

Effective 7/1/11
Revised 4/13/16
Technical Change 3/17/17
Revised 10/21/20

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Legal References: F.S. 112.312
 F.S. 112.313
 F.S. 1001.42(6)
 F.S. 1012.23
 F.S. 1012.795(1)
 [F.S. 1000.05\(4\)\(a\)](#)
 F.A.C. 6A-10.081
 F.A.C. 6A-19.008
 34 C.F.R. Part 106

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Book	Policy Manual
Section	April 19, 2023 – <u>Final</u> Reading
Title	STANDARDS OF ETHICAL CONDUCT
Code	3210
Status	<u>Final</u> Reading

3210 - STANDARDS OF ETHICAL CONDUCT

All employees are representatives of the District and shall conduct themselves, both in their employment and in the community, in a manner that will reflect credit upon themselves and the school system.

A. An instructional staff member shall:

1. teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved methods of instruction as provided by law and by the rules of the State Department of Education;
2. keep current in their subject area through attendance at professional meetings, acquaintance with professional publications, and participation in in-service activities;
3. make a 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;
4. not unreasonably restrain a student from independent action in pursuit of learning;
5. not unreasonably deny a student access to diverse points of view;
6. not intentionally provide classroom instruction to students in kindergarten through grade 3 on sexual orientation or gender identity;
- 6.7. not intentionally suppress or distort subject matter relevant to a student's academic program;
- 7.8. not intentionally expose a student to unnecessary embarrassment or disparagement;
- 8.9. not intentionally violate or deny a student's legal rights;
- 9.10. not harass or discriminate against any student on any basis prohibited by law or the School Board and shall make reasonable efforts to assure that each student is protected from discrimination and harassment, including but not limited to, making a report of discrimination, harassment, or retaliation for reporting discrimination and/or harassment, to the administrator or designee to whom the employee is responsible and/or the District's

Office of Civil Rights Compliance (CRC). [Discrimination on the basis of race, color, national origin, or sex includes subjecting any student to training or instruction that espouses, promotes, advances, inculcates, or compels such student to believe any of the concepts listed in F.S. 1000.05\(4\)\(a\);](#)

- ~~10.11.~~ not exploit a relationship with a student for personal gain or advantage (see Board Policy 3213, *Student Supervision and Welfare*);
- ~~11.12.~~ keep confidential personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
- ~~12.13.~~ take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated;
- ~~13.14.~~ not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression;
- ~~14.15.~~ not use institutional privileges for personal gain or advantage (see also Policy 3129, *Conflict of Interest*);
- ~~15.16.~~ accept no gratuity, gift, or favor that might influence professional judgment (see also Policy 3129, *Conflict of Interest*);

Pursuant to F.S. 112.313, no instructional staff member shall solicit or accept anything of value including a gift (see F.S. 112.312), loan, reward, promise of future employment, favor, or service based upon an understanding that the vote, official action, or judgment of the instructional staff member would be influenced thereby.
- ~~16.17.~~ offer no gratuity, gift, or favor to obtain special advantages (see also Policy 3129, *Conflict of Interest*);
- ~~17.18.~~ maintain honesty in all professional dealings;
- ~~18.19.~~ maintain, prepare, and submit promptly all reports that may be required by State law, State Department of Education rules, Board rules, and administrative directives;
- ~~19.20.~~ not deny a colleague professional benefits, advantages, or participation in any professional organization on any basis prohibited by law or the Board;
- ~~20.21.~~ not interfere with a colleague's exercise of political or civil rights and responsibilities;
- ~~21.22.~~ not use abusive and/or profane language or display unseemly conduct in the workplace;
- ~~22.23.~~ 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 efforts to assure that each individual is protected from such discrimination and harassment, including but not limited to, making a report of discrimination, harassment, or retaliation for reporting discrimination and/or harassment, to the administrator or designee to whom the employee is responsible and/or the District's Office of Civil Rights Compliance (CRC);
- ~~23.24.~~ not make malicious or intentionally false statements about a colleague;

- ~~24-25.~~ not use coercive means or promise special treatment to influence professional judgments of colleagues;
- ~~25-26.~~ not misrepresent one's own professional qualifications;
- ~~26-27.~~ not submit fraudulent information on any document in connection with professional activities;
- ~~27-28.~~ not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position;
- ~~28-29.~~ not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment;
- ~~29-30.~~ 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;
- ~~30-31.~~ 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;
- ~~31-32.~~ self-report within forty-eight (48) hours to appropriate authorities any arrest and final dispositions of such arrest other than minor traffic violations (DUI is not considered a minor traffic violation.);

Instructional staff 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.

- ~~32-33.~~ 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);
- ~~33-34.~~ report any criminal act, and/or disruptive, and/or inappropriate behavior to the administrator or designee to whom the employee is responsible;

Allegations of child abuse and/or neglect **MUST** also be reported, immediately upon knowledge, to the Florida Department of Children and Families at 1-800-96ABUSE (1-800-962-2873) or online at <https://www.myflfamilies.com/service-programs/abuse-hotline/report-online.shtml>, to School Police at 305-995-COPS (305-995-2677), and the site administrator. Failure to immediately report child abuse and/or neglect to the proper authorities will lead to disciplinary action.

- ~~34-35.~~ 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);
- ~~35-36.~~ comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice;
- ~~36-37.~~ as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

- B. No staff member shall 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 conflict

with the proper discharge of his/her duties in the public interest (see also Policy 3129, *Conflict of Interest*).

- C. All instructional staff members shall be required to complete training on these standards upon employment and annually thereafter.

Effective 7/1/11
Revised 4/13/16
Technical Change 3/17/17
Revised 10/21/20

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Legal References:

- F.S. 112.312
- F.S. 112.313
- F.S. 1001.42(6)
- F.S. 1012.23
- F.S. 1012.795(1)
- [F.S. 1000.05\(4\)\(a\)](#)
- F.A.C. 6A-10.081
- F.A.C. 6A-19.008
- 34 C.F.R. Part 106

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Book	Policy Manual
Section	April 19, 2023 - <u>Final</u> Reading
Title	STANDARDS OF ETHICAL CONDUCT
Code	4210
Status	<u>Final</u> Reading

4210 - **STANDARDS OF ETHICAL CONDUCT**

All employees are representatives of the District and shall conduct themselves, both in their employment and in the community, in a manner that will reflect credit upon themselves and the school system.

A. A support staff member shall:

1. make a 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. not unreasonably restrain a student from independent action in pursuit of learning;
3. not intentionally expose a student to unnecessary embarrassment or disparagement;
4. not intentionally violate or deny a student's legal rights;
5. not harass or discriminate against any student on any basis prohibited by law or the School Board and shall make reasonable efforts to assure that each student is protected from discrimination and harassment, including but not limited to, making a report of discrimination, harassment, or retaliation for reporting discrimination and/or harassment, to the administrator or designee to whom the employee is responsible and/or the District's Office of Civil Rights Compliance (CRC);
6. not intentionally provide classroom instruction to students in kindergarten through grade 3 on sexual orientation or gender identity;
- ~~6.7.~~ not exploit a relationship with a student for personal gain or advantage (see Board Policy 4213, *Student Supervision and Welfare*);
- ~~7.8.~~ keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
- ~~8.9.~~ not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression;
- ~~9.10.~~ not use institutional privileges for personal gain or advantage (see also Policy 4129, *Conflict of Interest*);

~~10.11.~~ accept no gratuity, gift, or favor that might influence judgment (see also Policy 4129, *Conflict of Interest*);

Pursuant to F.S. 112.313, no support staff member shall solicit or accept anything of value including a gift (see F.S. 112.312), loan, reward, promise of future employment, favor, or service based upon an understanding that the vote, official action, or judgment of the support staff member would be influenced thereby;

~~11.12.~~ offer no gratuity, gift, or favor to obtain special advantages (see also Policy 4129, *Conflict of Interest*);

~~12.13.~~ maintain honesty in all dealings;

~~13.14.~~ not interfere with another District employee's exercise of political or civil rights and responsibilities;

~~14.15.~~ not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of 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 efforts to assure that each individual is protected from such discrimination and harassment, including but not limited to, making a report of discrimination, harassment, or retaliation for reporting discrimination and/or harassment, to the administrator or designee to whom the employee is responsible and/or the District's Office of Civil Rights Compliance (CRC).
[Discrimination on the basis of race, color, national origin, or sex includes subjecting any student to training or instruction that espouses, promotes, advances, inculcates, or compels such student to believe any of the concepts listed in F.S. 1000.05\(4\)\(a\);](#)

~~15.16.~~ not make malicious or intentionally false statements about another District employee;

~~16.17.~~ not misrepresent one's qualifications;

~~17.18.~~ not submit fraudulent information on any document in connection with employment;

~~18.19.~~ not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for employment;

~~19.20.~~ not use abusive and/or profane language or display unseemly conduct in the workplace;

~~20.21.~~ report any criminal act, and/or disruptive, and/or inappropriate behavior to the administrator or designee to whom the employee is responsible.

Allegations of child abuse and/or neglect **MUST** also be reported, immediately upon knowledge, to the Florida Department of Children and Families at 1-800-96ABUSE (1-800-962-2873), or online at <https://www.myflfamilies.com/service-programs/abuse-hotline/report-online.shtml> **AND** to the School Police at 305-995-COPS (305-995-2677). Failure to immediately report child abuse and/or neglect to the proper authorities will lead to disciplinary action.

B. No support staff member shall 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 Policy 4129, *Conflict of Interest*)

C. All support staff members who have direct access to students shall be required to complete training on these standards upon employment and annually thereafter.

Effective 7/1/11
Revised 4/13/16
Technical Change 3/17/17

Revised 10/21/20

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F.S. 112.313
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F.S. 1012.795(1)
[F.S. 1000.05\(4\)\(a\)](#)
F.A.C. 6A-10.081
F.A.C. 6A-19.008
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