



## POLICY 3.02

5-I I recommend that the Board approve development of the proposed **new** Policy 3.02, entitled “Code of Ethics.”

[Contact: Darron Davis, PX 48953.]

### Development

### CONSENT ITEM

- The proposed Code of Ethics has been drafted for the School District to comply with the recently enacted “Ethics in Education Act”, Chapter 2008-108, Laws of Florida. Although the legislation required School Districts to provide for a code of ethics for instructional personnel and school administrators, the proposed policy is drafted to provide an ethical code for all District employees
- Components of the policy which are mandated by Chapter 2008-108, Laws of Florida, or former Senate Bill 1712, are as follow:
  - Requires all employees to complete training on the ethics policy and to sign an acknowledgement form of the training. See Sections 11 and 12.
  - Establish the duty for employees to report, and procedures for reporting and the investigation of alleged misconduct by instructional personnel and school administrators which affect the health, safety and welfare of a student. See Section 8.
  - Includes an explanation of the liability protections provided by law for those who report misconduct of instructional personnel or school administrators. See Section 8D (Immunity for Making Report or Disclosure of Information).
  - Prohibits the School Board, or any of its employees, from entering into a *confidentiality agreement* regarding the termination or dismissal of instructional personnel/school administrators, or personnel or administrators who resign in lieu of termination, based in whole or part on misconduct that affects the health, safety, or welfare of a student. See Section I. 3.
  - Prohibits the School District, or any of its employees, from providing instructional personnel or school administrators with employment references or discussing the individual’s performance with prospective employers in another educational setting, *without* disclosing the personnel’s or administrator’s misconduct. See Section I.4.
- Ethical standards provided for in the proposed policy include specific standards related to:
  - abuse of students (See Section 5A);
  - alcohol or drugs (See Section 5B);
  - misrepresentation or falsification (See Section 5C);
  - improper remunerative conduct (See Section 5D);

- avoidance of conflicts of interest and receipt of improper outside income (See Section 5E);
  - public funds and property (See Section 5F);
  - confidentiality of information (See Section 5G);
  - criminal acts (See Section 5H);
  - professional conduct (See Section 5.I)
- The policy prohibits an employee from exercising contract management authority over a contract where a relative or domestic partner of the employee has a contract to perform work for the School District; over a contract in which the employee has a financial interest; or over a contract in which the employee has an employment or business relationship (See Section 6).
- The Superintendent is provided with the authority to reassign or remove an employee from the workplace pending the outcome of an investigation, providing the following factors for the Superintendent prior to a reassignment or removal (See Section 8E).
  - Whether the reported misconduct is ongoing or is likely to reoccur.
  - Whether the reported misconduct poses a risk to a student(s) or School District employee(s).
  - Whether the reported misconduct endangers the School District.
  - Whether the reported criminal misconduct relates to the performance of the employee's duties.
  - Whether the employee may impede or obstruct the investigation.
- The School District is prohibited from taking retaliatory actions or adverse personnel action against an employee reporting or disclosing a violation under the policy, and the proposed policy does not apply if the employee or person makes a false report. See Section 9.
- The Superintendent is required to direct the ethics training from compliance with the code, and as required by law. See Section 11.

POLICY 3.02

CODE OF ETHICS

1  
2  
3 1. Purpose and Authority

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

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

24 All employees shall adhere to this policy, the "Code of Ethics for Public Officers  
25 and Employees", as set forth in the Florida Ethics Code, Part III of Chapter 112,  
26 Florida Statutes, and the "Code of Ethics of the Education Profession in Florida and  
27 the Principles of Professional Conduct for the Education Profession in Florida",  
28 Chapter 6B-1.001 and-1.006, F.A.C., and the "Ethics in Education Act", Chapter  
29 2008-108, Laws of Florida, as now or hereafter amended, which are incorporated  
30 by reference and made a part of this policy. This Code of Ethics shall be viewed  
31 as additive or supplemental to the above state laws, rules and regulations. To the  
32 extent this Code of Ethics is not in conflict with any laws, regulations or School  
33 Board policies, this Code of Ethics shall control. Specific authority for the adoption  
34 of this policy is provided by Sections 112.326 and 1001.42, Florida Statutes.

35 2. Application and Enforceability.

36 The Code of Ethics applies to all District personnel and extends to guests, invitees,  
37 and volunteers while they are on District property or are participating in District-

38 related events. Violations of this Code of Ethics may result in administrative or  
39 disciplinary action, up to and including suspension, dismissal, or other actions as  
40 required by law. This Code may apply when the conduct of the employee occurs on  
41 or off District property, at a school sponsored event or non-school sponsored  
42 event.

43 3. **Making Ethical Decisions**

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

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

60 4. **Accountability and Compliance**

61 Each employee agrees and pledges:

- 62 a. To provide the best example possible; striving to demonstrate excellence,  
63 integrity and responsibility in the workplace.
- 64 b. To obey local, state and national laws, codes and regulations.
- 65 c. To support the principles of due process to protect the civil and human rights  
66 of all students and individuals.
- 67 d. To treat all students and individuals with respect and to strive to be fair in all  
68 matters.
- 69 e. To create an environment of trust, respect and non-discrimination, by not  
70 permitting discriminatory or harassing behavior of students or colleagues.

- 71 f. To take responsibility and be accountable for his or her acts or omissions.
- 72 g. To avoid conflicts of interest or any appearance of impropriety.
- 73 h. To cooperate with others to protect and advance the District and its students.
- 74 i. To report improper conduct.
- 75 j. To be efficient and effective in the delivery of all job duties.

76 5. **Ethical Standards**

- 77 a. **Abuse of Students – We are committed to ensuring that employee-**  
78 **student relationships are positive, professional and non-exploitative. We**  
79 **will not tolerate improper employee-student relationships. Each**  
80 **employee should always maintain a professional relationship with students,**  
81 **both in and outside of the classroom. Unethical conduct includes but is not**  
82 **limited to:**
  - 83 i. Committing any act of child abuse, including physical and verbal abuse.
  - 84 ii. Committing any act of cruelty to children or any act of child  
85 endangerment.
  - 86 iii. Using one's professional relationship or authority with students for one's  
87 personal advantage.
  - 88 iv. Engaging in, or being convicted of, a crime involving children as provided  
89 in Section 1012.315, Florida Statutes, as now or hereafter amended.
  - 90 v. Engaging in any sexually related behavior with a student with or without  
91 consent of the student. Sexually related behavior shall include, but not be  
92 limited to, such behaviors as sexual jokes; sexual remarks; sexual kidding  
93 or teasing; sexual innuendo; pressure for dates or sexual favors;  
94 inappropriate physical touching, kissing, or grabbing; rape; threats of  
95 physical harm; sexual assault and any sexual act as provided for in  
96 Section 1012.315, Florida Statutes.
  - 97 vi. Engaging in bullying or harassing behavior on the basis of race, gender,  
98 sex, national origin, age, religion or disability, sexual orientation or gender  
99 identity in violation of School Board Policy Nos. **5.001** (Protecting  
100 Students from Harassment and Discrimination); **5.81** (Protecting Students  
101 from Sexual Harassment and Discrimination), as now or hereafter  
102 amended; and **5.002** (Prohibition of Bullying and Harassment) as now or  
103 hereafter amended; or, in violation of any related federal or state laws.

- 104           vii. Engaging in misconduct which affects the health, safety and welfare of a  
105           student(s).
- 106           viii. Soliciting, encouraging, participating or consummating an inappropriate  
107           written, verbal, or physical relationship with a student.
- 108           ix. Furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student  
109           or allowing a student to consume alcohol, or illegal/unauthorized drugs,  
110           contrary to School Board Policy Nos. 3.96 (Drug-and Alcohol-free  
111           Workplace) and 3.961 (Drug and Alcohol-free Workplace Policy for  
112           Employees Performing Safety-Sensitive Functions and Holders of  
113           Commercial Drivers Licenses), as now or hereafter amended.
- 114        b. **Alcohol or Drugs – We are committed to holding each other responsible**  
115        **for our performance as School District employees and as individuals.**  
116        Employees should refrain from the use of alcohol or illegal or unauthorized  
117        drugs while performing their official duties. Unethical conduct includes but is  
118        not limited to:
- 119           i. Being in the work place, on school premises or at a school-related activity  
120           involving students while under the influence of, possessing, selling using,  
121           or consuming illegal or unauthorized drugs, contrary to School Board  
122           Policy Nos. 3.96 (Drug-and Alcohol-free Workplace) and 3.961 (Drug and  
123           Alcohol-free Workplace Policy for Employees Performing Safety-Sensitive  
124           Functions and Holders of Commercial Drivers Licenses).
- 125           ii. Being in the work place, on school premises or at a school-related activity  
126           involving students while documented as being under the influence of,  
127           possessing, or consuming alcoholic beverages, contrary to School Board  
128           Policy Nos. 3.96 (Drug-and Alcohol-free Workplace) and 3.961 (Drug and  
129           Alcohol-free Workplace Policy for Employees Performing Safety-Sensitive  
130           Functions and Holders of Commercial Drivers Licenses). A school-  
131           related activity includes, but is not limited to, any activity sponsored by the  
132           school or school system (i.e. booster clubs, parent-teacher organizations,  
133           or any activity designed to enhance the school curriculum, i.e., science  
134           trip).
- 135           iii. Engaging in, or being convicted of or found guilty of, or entering a plea of  
136           guilty, regardless of adjudication of guilt, of any misdemeanor or felony  
137           crime involving the sale or possession of a controlled substance.
- 138        c. **Misrepresentation or Falsification – We are committed to candor in our**  
139        **work relationships, providing other Board employees including**  
140        **supervisors, senior staff and Board members with accurate, reliable and**  
141        **timely information.** Employees should exemplify honesty and integrity in the

142 performance of their official duties for the School District. Unethical conduct  
143 includes but is not limited to:

144 i. Falsifying or misrepresenting professional qualifications, criminal history,  
145 college or staff development credit and/or degrees, academic award, and  
146 employment history when applying for employment and/or certification or  
147 when recommending an individual for employment, promotion or  
148 certification;

149 ii. Falsifying or misrepresenting information submitted on behalf of the  
150 School District to federal, state and other governmental agencies;

151 iii. Falsifying or misrepresenting information reported regarding the  
152 evaluation of students and/or District personnel;

153 iv. Failing to report all actual or suspected cases of child abuse,  
154 abandonment or neglect as required by Section 1006.061, F.S., as now  
155 or hereafter amended;

156 v. Failing to report suspected or actual misconduct of employees that affects  
157 the health, welfare or safety of a student;

158 vi. Falsifying or misrepresenting reported reasons for absences or leaves;

159 vii. Falsifying, misrepresenting, or omitting information submitted in the  
160 course of an official inquiry/investigation; and

161 viii. Knowingly reporting alleged misconduct of a District employee which  
162 affects the health, safety or welfare of a student which the reporting party  
163 knows to be false or incorrect.

164 d. **Improper Remunerative Conduct – We are committed to a practice of not**  
165 **accepting gifts or gratuities in violation of the State Code of Ethics or**  
166 **which give the appearance that the gift improperly influenced our**  
167 **decisions. We will not solicit students, parents, vendors, lobbyists or**  
168 **others for anything that provides us a personal benefit different than the**  
169 **public. Unethical conduct includes but is not limited to:**

170 i. Soliciting students or parents of students to purchase equipment, supplies  
171 or services from the employee or to participate in activities that financially  
172 benefit the employee, contrary to School Board Policy Nos. 2.21 (School  
173 Requests of Payment from Students), 2.15 (Solicitation of Funds in  
174 Schools) and 2.16 (Fund-Raising Activity), as now or hereafter amended.

175 ii. Accepting gifts from vendors or potential vendors for personal use or gain  
176 where there may be the appearance of a conflict of interest.

- 177           iii. Tutoring students contrary to any applicable School Board Policy or  
178           collective bargaining agreement.
- 179           iv. Referring a parent or student to a service, service provider or product in  
180           return for anything of value. Officers or employees making referrals as  
181           part of their official duties shall make referrals to more than one provider  
182           of the service or product, if available. For example, school counsels shall  
183           refer parents or students to more than one provider of medical services, if  
184           available. Additionally, an employee shall not refer a parent or student to  
185           any service, service provider, or product in which that employee has a  
186           financial interest, without first disclosing in writing the employee's interest  
187           to the parent or student.
- 188           v. Soliciting or accepting money or any other thing of value including, but not  
189           limited to gifts, favors, services, or promises of future employment, in  
190           return for advice or assistance on matters concerning the operation of the  
191           business of the Board.
- 192           e. **Avoidance of Conflicts of Interest and Receipt of Improper Outside**  
193           **Income – We are committed to declining outside income that might be**  
194           **perceived as inconsistent, incompatible or in conflict with our official**  
195           **duties. We will not make decisions or use our position for personal**  
196           **benefit or to gain an improper advantage.** Employees are governed by the  
197           statutory provisions in the “Code of Ethics for Public Officers and Employees  
198           (Code of Ethics),” and certain statutes in the Florida School Code. As  
199           employees, you must comply with the provisions of the Code of Ethics, the  
200           “Code of Ethics of the Education Profession in Florida and the Principles of  
201           Professional Conduct for the Education Profession in Florida”, Chapter 6B-  
202           1.001 and-1.006, F.A.C., and the provisions outlined herein.
- 203           A conflict of interest can exist anytime your position or decisions provide the  
204           District with a financial benefit or improper advantage. A conflict of interest  
205           shall be defined as a situation in which the employee's regard for a private  
206           interest tends to lead to a disregard of the employee's public duty or interest.  
207           We are permitted to receive outside income as long as it does not create a  
208           conflict with our work in the School District. Unethical conduct includes, but is  
209           not limited to, the employee:
- 210           i. Participating in the decision to make a contract between the School Board  
211           and a business or entity in which the employee has a personal or financial  
212           interest. This includes contractual relationships with units of government  
213           as well as for profit and not for profit organizations such as charter  
214           schools.
- 215           An employee who has a personal or financial interest because of a



216 relationship with such a business, governmental agency or not for profit  
217 organization must recuse him or herself from any decision concerning  
218 that entity, including any decision to contract or not to contract with the  
219 entity and the administration of the contract. The reason for the recusal  
220 must be stated in writing and filed with the Superintendent, or his or her  
221 designee, and the School Board Attorney prior to or at the time of the  
222 action requiring recusal.

223 ii. Soliciting or accepting an Honorarium, which is related to the employee's  
224 job duties. "Honorarium" shall be defined consistent with Section  
225 112.3149, F.S., as a payment of money or anything of value paid to the  
226 employee or on his or her behalf as consideration for an oral presentation  
227 or writing other than a book.

228 iii. Advertising business or professional activities on school district property  
229 or use work hours, property or services to perform or promote personal  
230 business or professional activities, or to campaign or raise money for any  
231 candidates for political office.

232 iv. Participating in the review and approval of publications or materials for  
233 school district purchase by the office in which the employee is employed if  
234 the employee or a member of the employee's immediate family is the  
235 author/editor of or has any financial interest in the sale of such  
236 publications or materials.

237 v. Accepting outside income in any situation where a reasonable person in  
238 the community would conclude that the receipt of the income would be  
239 inconsistent, incompatible or in conflict with the employee's official duties  
240 with the school district.

241 vi. Soliciting or accepting any personal gifts, favors or benefits of more than  
242 nominal value during a calendar year from any single person or  
243 organization that might benefit from the employee's decision. This  
244 provision does not apply to: (a) meals provided at an event at which the  
245 employee participates in a seminar or similar activity; (b) travel expenses  
246 and meals paid by a local, state, federal government agency; or (c) lawful  
247 campaign contributions.

248 vii. Soliciting or accepting, directly or indirectly, any payments or other  
249 benefits under circumstances that would create in the mind of a  
250 reasonable person in the community the belief that such payments or  
251 benefits were provided with the intent to improperly influence the  
252 employee's actions. This provision does not apply to lawful campaign  
253 contributions.

- 254           viii. Personally representing another person or entity or acting as an agent or  
255           attorney for compensation in connection with any matter in which the  
256           School District is interested for two (2) years after employment with the  
257           School District, contrary to School Board Policy No. 3.22 (Standards of  
258           Conduct for Former School Board Members and Employees).
- 259           ix. Engaging in political activities prohibited by School Board Policy No. 2.59  
260           (Political Activities on School Board Property).
- 261           X. Appointing, employing, supervising, promoting, evaluating or advancing  
262           an employee contrary to the provisions of School Board Policy No. 3.60  
263           (Nepotism).
- 264           f. **Public Funds and Property – We are committed to ensuring that District**  
265           **facilities, equipment, supplies, or other District resources are used for**  
266           **District purposes only. Except for occasional and limited personal use,**  
267           **we will not tolerate improper use of public resources, and will report and**  
268           **reimburse the District for significant costs of a limited personal use.**  
269           Employees entrusted with public funds and property should honor that trust  
270           with a high level of honesty, accuracy, and responsibility. Unethical conduct  
271           includes, but is not limited to:
- 272           i. Failing to use public or school-related funds and School Board property  
273           for School District purposes and in a manner specified by School Board  
274           Policy, administrative procedures or guidelines or by federal or state laws;
- 275           ii. Failing to account for public funds collected from students, parents or  
276           other parties;
- 277           iii. Submitting fraudulent requests for reimbursement of expenses or for pay;
- 278           iv. Co-mingling public or school-related funds with personal funds or  
279           checking accounts; and
- 280           V. Using school district property without the necessary approval.
- 281           g. **Confidentiality of Information - We are committed to abiding by all laws**  
282           **and School Board Policies concerning the confidentiality of student and**  
283           **personnel information, standardized test material, and other such**  
284           **information determined to be confidential by law. No current or former**  
285           **employee shall use or disclose, other than in the performance of his official**  
286           **duties and responsibilities, or as may be required by law, confidential**  
287           **information gained in the course of or by reason of his/her position of**  
288           **employment. Unethical conduct includes, but is not limited to:**
- 289           i. Sharing of confidential information concerning student academic and

290 disciplinary records, health and medical information, family status income  
291 or assessments/testing results, unless disclosure is required or permitted  
292 by law or School Board Policy.

293 ii. Sharing of confidential information restricted by state or federal law.

294 iii. Threatening the integrity of student testing security, or failing to maintain  
295 student testing security, by examining, reading, revealing, or copying the  
296 passages, test items, or performance tasks; interpreting or reading test  
297 items or passages for students; changing or otherwise interfering with  
298 student responses to test items; causing achievement of schools to be  
299 inaccurately measured or reported; and copying or reading student  
300 responses.

301 iv. Sharing of confidential information from a closed session of the School  
302 Board prior to such information becoming a public record subject to  
303 disclosure.

304 h. **Criminal Acts – We are committed to reporting criminal conduct, and**  
305 **other conduct that damages the integrity or reputation of the School**  
306 **District. Employees should abide by federal, state and local laws. Unethical**  
307 **conduct includes but is not limited to:**

308 i. Committing or being convicted of felonies involving breach of public trust  
309 and other specified offenses as provided in Section 112.3173, Florida  
310 Statutes, as now or hereafter amended;

311 ii. Committing, being convicted or found guilty of, or entering a plea of guilty,  
312 regardless of adjudication of guilt, of any crime involving moral turpitude,  
313 as defined by State Board of Education Rule 6B-4.009, FAC, as now or  
314 hereafter amended;

315 iii. Failing to report the arrest or conviction for criminal acts as provided in  
316 School Board Policy 3.13 (Self Reporting of Arrests and Convictions by  
317 School District Employees); or

318 iv. Committing or being convicted of criminal acts as provided in School  
319 Board Policy 3.13 (Self Reporting of Arrests and Convictions by School  
320 District Employees).

321 i. **Professional Conduct – We are committed to ensuring that our power**  
322 **and authority are used in an appropriate, positive manner that enhances**  
323 **the public interest and trust. Employees should demonstrate conduct that**  
324 **follows generally recognized professional standards. Unethical conduct is any**  
325 **conduct that impairs the ability of any holder of a necessary license, certificate,**

326 etc., to function professionally in his or her employment position or a pattern of  
327 behavior or conduct that is detrimental to the health, welfare, discipline, or  
328 morals of students or the workplace. Unethical conduct includes, but is not  
329 limited to, the following:

330 i. Failing to maintain any necessary certification or licensure required in the  
331 performance of job duties for the School District.

332 ii. Failing to report the alleged misconduct of a fellow employee, or to  
333 complete an investigation relative to allegations of misconduct of a fellow  
334 employee, which affects the health, safety or welfare of a student.

335 iii. Entering into a confidentiality agreement regarding terminated or  
336 dismissed instructional employees and school administrators, or  
337 personnel or administrators who are dismissed or resign in lieu of  
338 termination, based in whole or in part on misconduct that affects the  
339 health, safety or welfare of a student.

340 iv. Providing employment references or discussing the instructional  
341 personnel's or school administrator's performance with prospective  
342 employers in another educational setting, without disclosing the  
343 personnel's or administrator's misconduct.

344 6. **Employee Exercising Contract Management Authority**

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

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

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

357 b. Board business with a person with whom the employee has an employment  
358 relationship;

359 c. Board business with a person with whom the employee has a business  
360 relationship; and

361 d. Any contract in which the employee's spouse or domestic partner has a  
362 financial interest.

363 7. **Statutory Compliance**

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

366 8. **Procedures for Reporting Ethical Violations and Misconduct**

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

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

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

394 i. Violations committed by instructional and school administrative staff- Any  
395 complaint against instructional personnel and school administrators, as  
396 defined in Section 1012.01, Florida Statutes, or personnel qualified and  
397 employed pursuant to Section 1012.39, Florida Statutes, that comes to an  
398 employee's attention and that includes grounds for the revocation or the  
399 suspension of a teaching certificate, or acts prohibited by the Ethics in

400 Education Act, Chapter 2008-108, Laws of Florida, shall be reported to  
401 the Office of the Superintendent or the Employee Relations Office. The  
402 willful failure by a school board employee to promptly report a complaint  
403 shall constitute cause of discipline of the employee as provided by law  
404 and Board policy.

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

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

417 ii. Reporting of Possible Criminal Conduct – A violation of criminal statutes  
418 alleged to have been committed by a District employee or volunteer,  
419 whether the conduct shall constitute a felony or a misdemeanor, shall be  
420 reported to the appropriate law enforcement agency or the School Police  
421 and the Superintendent for investigation. The School Police shall be  
422 authorized to investigate and report violations of criminal statutes to the  
423 Superintendent and any appropriate law enforcement agency, and shall  
424 be authorized to conduct an investigation of the alleged criminal conduct  
425 to determine if a breach of the School Board Policy, this Code of Ethics  
426 provisions, or professional standards has occurred. The investigative  
427 records shall be considered public records subject to confidentiality  
428 requirements provided by law pending completion of such active  
429 investigation and any resulting investigation by law enforcement  
430 agencies. Violations of criminal statutes alleged to have been committed  
431 by the Superintendent, as a constitutional officer, should be reported  
432 directly to the appropriate law enforcement agency.

433 iii. Giving False or Fraudulent Evidence – In all proceedings, including  
434 administrative hearings and litigations in which the School Board is an  
435 interested party, and including the reporting of violations of this Ethics  
436 Code, professional standards breaches, or criminal law violations as  
437 described in this policy or the Ethics in Education Act, the evidence  
438 presented by District employees shall be truthful. Misrepresentation of  
439 factual evidence, including the presenting of false, fraudulent, intentionally  
440 misleading or untruthful evidence in any such proceedings or report is

441 declared to be a violation of this policy. Any person making such a  
442 misrepresentation of factual evidence is subject to discipline in  
443 accordance with this policy.

444 iv. Reporting and Final Disposition – At the conclusion of the investigation,  
445 an appropriate report setting forth all pertinent facts and circumstances  
446 will be prepared by the investigative unit and transmitted to the  
447 Superintendent or his designee. Based upon the findings presented in  
448 the investigative report, the Superintendent, or his designee, may take  
449 action in accordance with the School Board policies or state laws and  
450 rules.

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

456 d. Immunity for Making Report or Disclosure of Information.

457 i. An instructional employee or school administrator who in good faith  
458 promptly reports the misconduct of other instructional personnel or school  
459 administrators, or an employee who in good faith promptly reports  
460 misconduct of other employees, which affects the health, safety, or  
461 welfare of a student, or violations provided in Chapter 2008-108, Laws of  
462 Florida, shall have immunity from liability as described in §768.095,  
463 Florida Statutes, or as provided in §§ 39.203 and 1006.061, Florida  
464 Statutes.

465 ii. An employee disclosing information in good faith about a former or  
466 current instructional employee or school administrator of the District, in  
467 accordance with the Ethics in Education Act, Chapter 2008-108, Laws of  
468 Florida, to a prospective employer, upon the request of the prospective  
469 employer of the former or current employee, is immune from liability for  
470 such disclosure to the extent as provided to the School District under  
471 §768.095, Florida Statutes.

472 e. Reassignment or Removal from Workplace Pending Outcome of Investigation.  
473 The Superintendent may reassign or remove from the workplace an employee  
474 alleged to have violated this Code of Ethics. Any reassignment or removal  
475 shall be made in the best interests of the School District and the students it  
476 serves. In deciding whether an employee should be reassigned or removed  
477 from the workplace while an investigation proceeds or is completed, the  
478 Superintendent shall consider but not be limited to the following:

479 i. Whether the reported misconduct is ongoing or is likely to reoccur.

- 480           ii. Whether the reported misconduct poses a risk to a student(s) or School  
481           District employee(s).
- 482           iii. Whether the reported misconduct endangers the School District.
- 483           iv. Whether the reported criminal misconduct relates to the performance of  
484           the employee's duties.
- 485           v. Whether the employee may impede or obstruct the investigation.

486   9. **Actions Prohibited**

- 487           a. The School Board, its employees and agents, are prohibited from taking  
488           retaliatory action or adverse personnel action against any employee who  
489           reports violations or discloses information under this policy.
- 490           b. The provisions of this section shall not be applicable when an employee or  
491           person discloses information known by the employee or person to be false.
- 492           c. No remedy or other protection under this policy applies to any person who has  
493           committed or intentionally participated in committing the violation or suspected  
494           violation for which protection under this policy is being sought.

495   10. **Acknowledgement/Certification of Code of Ethics**

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

505   11. **Ethics and Compliance Training**

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

512   12. **Reports to Other Appropriate Agencies**



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

517

518

Exhibit A

519

**Code of Ethics**  
**Acknowledgment**

520

521

522 I, the undersigned, \_\_\_\_\_,

523

(Print your name)

524

525 hereby certifies as follows:

526

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

529 2. I have received copies of School Board Policy 3.02 (Code of Ethics) which  
530 incorporates by reference The Code of Ethics for Public Officers and  
531 Employees, Chapter 112, Part III, Florida Statutes; the Code of Ethics of the  
532 Education Profession in Florida and the Principles of Professional Conduct for  
533 the Education Profession in Florida, State Board of Education Rules 6B-1.001  
534 and 1.006, F.A.C.; and the "Ethics in Education Act", Chapter 2008-108, Laws  
535 of Florida.

536 3. I have read and understand this School Board Policy.

537 4. I agree to abide by and comply with School Board Policy 3.02 throughout my  
538 employment with Palm Beach County School District.

539

540

541

**Date** \_\_\_\_\_

542

**YOUR SIGNATURE**

543

544

545 **Your title, position or relationship with the**  
546 **Palm Beach County School Board**

547

548

549 **Employee Number or Work Location**

550

551

552 **PLEASE RETURN THIS ACKNOWLEDGEMENT TO:**

553 Division of Human Resources/Customer Relations

554 Room A-128

555 Fax (561) 434-8093  
556 Telephone (561) 434-8953

557 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41; 1001.42; 112.313; 1012.23  
558 LAWS IMPLEMENTED: Fla. Stat. §§ Ch.112, Part III; 1012.795; 1012.796; Ch.2008-  
559 108, L.O.F.  
560 STATE BOARD OF EDUCATION RULE: F.A.C. 6B-1.001; 6B-1.006  
561 HISTORY: \_\_/\_\_\_\_2009

Legal Signoff:

The Legal Department has reviewed proposed Policy 3.02 and finds it legally sufficient for development by the Board.

---

Attorney

---

Date