

Dr. Marta Pérez, Member

**SUBJECT: ADOPTION OF CODE OF ETHICS AND CORRESPONDING
CERTIFICATE AS SET FORTH BY THE ETHICS ADVISORY
COMMITTEE**

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

The Ethics Advisory Committee, created by school board action, at its last meeting has proposed a code of ethics to be adhered to by all members of the School Board of Miami-Dade County, administrators, teachers and all other employees of the Miami-Dade County Public Schools, regardless of their position, collective bargaining status or role, because of their dual roles as public servants and educators.

Additionally, the Ethics Advisory Committee has created a certificate to be signed by each employee stating that the employee has received the code of ethics; that the employee understands the policy; and that as of the date of receipt and signature the employee is not aware of any information, transactions, or events involving the Miami-Dade County Public Schools that might indicate non-observance of the policy.

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.

**ACTION PROPOSED BY
DR. MARTA PÉREZ:**

That the School Board of Miami-Dade County, Florida adopt the Code of Ethics and corresponding Certificate as proposed by the Ethics Advisory Committee

MIAMI-DADE COUNTY PUBLIC SCHOOLS
CODE OF ETHICS
2003-2004

INTRODUCTION

All members of The School Board of Miami-Dade County, Florida, administrators, teachers and all other employees of the 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, of students, of parents, and of 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.

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 Public Officers and Employees," found in Chapter 112, Part III of the Florida Statutes, which collectively should be viewed

as additive to this Code of Ethics. To the extent not in conflict with any law or governmental regulation, this Code of Ethics shall control with regard to conduct.

CORE VALUES AND FUNDAMENTAL PRINCIPLES

The fundamental principles upon which this Code of Ethics is based are consistent with the Miami-Dade County Public Schools' "Core Values." These values are the following:

- **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.

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 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 the 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 with a \$500 aggregate value of transactions per year or more 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 Fl.St. § 112.3149, 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 a writing other than a book.

Personal Advertisements. An employee shall not advertise business or professional activities on school property or use school work 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 the 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.

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.

PERSONNEL MATTERS

Confidentiality. An educator should comply with state and federal and local school board policies relating to the confidentiality of student records, unless disclosure is required or permitted by law. 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.

Certification. Each employee will be expected to sign an acknowledgment that he or she has read and understands this Code of Ethics. A failure to sign the acknowledgment will not excuse a failure to comply with the Code of Ethics. Infractions shall be reported to the Office of the Inspector General.

CERTIFICATE

I, the undersigned, _____
(print your name)

Hereby certifies as follows:

1. I have received copies of "The Miami-Dade County Public Schools Policy Statement Relating to Compliance with Legal, Ethical and Accounting Standards" and The Miami-Dade County Public Schools Code of Ethics which incorporate by reference thereto applicable provisions of the Florida Commission on Ethics' Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees, and The Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida (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 the 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. Herbert Cousins, Jr., THE OFFICE OF THE INSPECTOR GENERAL, VIA THE
ENCLOSED BY MAIL OR BY FACSIMILE (305-371-3403).**

**Mr. Herbert Cousins, Jr.
Inspector General
1444 Biscayne Boulevard, Suite 201
Miami, FL 33132**