

3512.5200 Code of Ethics for School Administrators.

Subpart 1. **Scope.** This part applies to all persons licensed as school administrators as defined in part 3512.0100, subparts 5 to 7.

Subp. 2. **Standards of professional conduct.** The standards of professional conduct for school administrators are listed in items A to K.

A. A school administrator shall provide professional educational services in a nondiscriminatory manner.

B. A school administrator shall **take reasonable action** to protect students and staff from conditions harmful to health and safety.

C. A school administrator shall **take reasonable action** to provide an atmosphere conducive to learning.

D. A school administrator shall not misuse professional relationships with students, parents and caregivers, staff, or colleagues to **private advantage**.

E. A school administrator shall disclose confidential information about individuals only when a compelling professional purpose is served in accordance with state and federal laws, and school district policies.

F. A school administrator shall not knowingly falsify or misrepresent records or facts relating to the administrator's qualifications, or to the qualifications of other staff or personnel.

G. A school administrator shall not knowingly make false or malicious statements about students, students' families, staff, or colleagues.

H. A school administrator shall not accept gratuities, gifts, or favors that impair professional judgment, nor offer any favor, service, or item of value to obtain special advantage.

I. A school administrator shall only accept a contract for a position when licensed for the position or when a school district is granted a variance by the commissioner of Children, Families, and Learning under Minnesota Statutes, section 121.11, subdivision 7b.

J. A school administrator, in filling positions requiring licensure, shall employ, recommend for employment, and assign only appropriately licensed personnel, or persons for whom the school district has been granted a variance by the appropriate state board or agency, unless, **after making reasonable efforts to obtain a variance, an appropriately licensed person cannot be assigned and the position must be filled to meet a legitimate emergency educational need.**

K. A school administrator shall not engage in conduct involving dishonesty, fraud, or misrepresentation in the performance of professional duties.

Subp. 3. **Statutory enforcement of code, complaints, investigation, and hearing.** This part shall be enforced in accordance with Minnesota Statutes, section 214.10, subdivisions 1, 2, and 3.

Subp. 4. **Complaints handled by commissioner of**

Children, Families & Learning. When oral complaints alleging violations of the code of ethics for school administrators are received, the executive director of the commissioner of Children, Families, and Learning shall request the complaining party to submit a written complaint. Upon receipt of a written complaint, the administrator named in the complaint shall be notified in writing within ten days of the receipt of the complaint. The administrator shall be entitled to be represented by the administrator's own counsel or representative at each stage of the investigation and hearing.

Subp. 5. **Enforcement procedures.** The commissioner of Children, Families & Learning may impose one or more of the following penalties when it has found a violation of a standard under subpart 2. These actions shall be taken only after previous efforts at remediation have been exhausted.

A. The commissioner of Children, Families & Learning may enter into agreements with administrators accused of violating the code of ethics that would suspend or terminate proceedings against the administrator on conditions agreeable to both parties.

B. A letter of censure from the commissioner of Children, Families & Learning may be sent to the person determined to be in violation of the standards of the code of ethics. A copy of the letter shall be filed with the commissioner of Children, Families & Learning. The letter shall be kept on file for a period of time not to exceed one calendar year.

C. An administrator who has been found to have violated the code of ethics may be placed on probationary licensure status for a period of time to be determined by the commissioner of Children, Families & Learning. The commissioner may impose conditions on the administrator during the probationary period which are to be directed toward improving the administrator's performance in the area of the violation. During this period, the administrator's performance or conduct shall be subject to review by the commissioner of Children, Families & Learning or the commissioner's designee. The review shall be directed toward monitoring the administrator's activities or performance with regard to whatever conditions may be placed on the administrator during the probationary period. Before the end of the probationary period, the commissioner of Children, Families & Learning shall decide to extend or terminate the probationary licensure status or to take further disciplinary actions as consistent with this rule.

D. The license to practice of the person determined to be in violation of the standards of the code of ethics may be suspended for a period of time determined by the commissioner of Children, Families & Learning.

E. The license to practice of the person determined to be in violation of the standards of the code of ethics may be revoked by the commissioner of Children, Families & Learning.

“M.S. 214.10 Complaint, Investigation, and Hearing.

“Subd. 1. **Receipt of complaint; notice.** The executive director or executive secretary of a board, a board member or any other person who performs services for the board who receives a complaint or other communication, whether oral or written, which complaint or communication alleges or implies a violation of a statute or rule which the board is empowered to enforce, shall promptly forward the substance of the communication on a form prepared by the attorney general to the designee of the attorney general responsible for providing legal services to the board. Before proceeding further with the communication, the designee of the attorney general may require the complaining party to state the complaint in writing on a form prepared by the attorney general. Complaints which relate to matters within the jurisdiction of another governmental agency shall be forwarded to that agency by the executive director or executive secretary. An officer of that agency shall advise the executive director or executive secretary of the disposition of that complaint. A complaint received by another agency which relates to a statute or rule which a licensing board is empowered to enforce shall be forwarded to the executive director or executive secretary of the board to be processed in accordance with this section. No complaint alleging a matter within the jurisdiction of the board shall be dismissed by a board unless at least two board members have reviewed the matter. If a board makes a determination to investigate a complaint, it shall notify a licensee who is the subject of an investigation that an investigation has been initiated at a time when such notice will not compromise the investigation.

“Subd. 2. **Investigation and hearing.** The designee of the attorney general providing legal services to a board shall evaluate the communications forwarded by the board or its members or staff. If the communication alleges a violation of statute or rule which the board is to enforce, the designee is empowered to investigate the facts alleged in the communication. In the process of evaluation and investigation, the designee shall consult with or seek the assistance of the executive director, executive secretary, or, if the board determines, a member of the board who has been appointed by the board to assist the designee. The designee may also consult with or seek the assistance of any other qualified persons who are not members of the board who the designee believes will materially aid in the process of evaluation or investigation. The executive director, executive secretary, or the consulted board member may attempt to correct improper activities and redress grievances through education, conference, conciliation and persuasion, and in these attempts may be assisted by the designee of the attorney general. If the attempts at correction or redress do not produce satisfactory results in the opinion of the executive director, executive secretary, or the consulted board member, or if after investigation the designee providing legal services to

the board, the executive director, executive secretary, or the consulted board member believes that the communication and the investigation suggest illegal or unauthorized activities warranting board action, the person having the belief shall inform the executive director or executive secretary of the board who shall schedule a disciplinary hearing in accordance with chapter 14. Before directing the holding of a disciplinary hearing, the executive director, executive secretary, or the designee of the attorney general shall have considered the recommendations of the consulted board member. Before scheduling a disciplinary hearing, the executive director or executive secretary must have received a verified written complaint from the complaining party. A board member who was consulted during the course of an investigation may participate at the hearing but may not vote on any matter pertaining to the case. The executive director or executive secretary of the board shall promptly inform the complaining party of the final disposition of the complaint. Nothing in this section shall preclude the board from scheduling, on its own motion, a disciplinary hearing based upon the findings or report of the board's executive director or executive secretary, a board member or the designee of the attorney general assigned to the board. Nothing in this section shall preclude a member of the board, executive director, or executive secretary from initiating a complaint.

Subd. 2a. **Proceedings.** A board shall initiate proceedings to suspend or revoke a license or shall refuse to renew a license of a person licensed by the board who is convicted in a court of competent jurisdiction of violating section [609.224](#), subdivision 2, paragraph (c), [609.23](#), [609.231](#), [609.2325](#), [609.233](#), [609.2335](#), [609.234](#), [609.465](#), [609.466](#), [609.52](#), or [609.72](#), subdivision 3.

Subd. 3. **Discovery; subpoenas.** In all matters pending before it relating to its lawful regulation activities, a board may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents, and other evidentiary material. Any person failing or refusing to appear or testify regarding any matter about which the person may be lawfully questioned or produce any papers, books, records, documents, or other evidentiary materials in the matter to be heard, after having been required by order of the board or by a subpoena of the board to do so may, upon application to the district court in any district, be ordered to comply therewith; provided that in matters to which the peace officers standards and training board is a party, application shall be made to the district court having jurisdiction where the event giving rise to the matter occurred. The chair of the board acting on behalf of the board may issue subpoenas and any board member may administer oaths to witnesses, or take their affirmation. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process or paper may be

served upon any person named therein, anywhere within the state by any officer authorized to serve subpoenas or other process or paper in civil actions, with the same fees and mileage and in the same manner as prescribed by law for service of process issued out of the district court of this state. Fees and mileage and other costs shall be paid as the board directs.

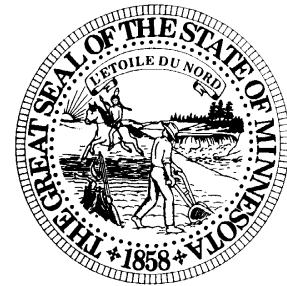
Submit:

- Requests for advisory opinions regarding the Code of Ethics
- Complaints alleging violations of the Code of Ethics
- Requests for copies of the Code of Ethics

To:

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Code of Ethics For Minnesota School Administrators*



***Please note that the most recent language in the Code of Ethics for School Administrators refers to the commissioner, Children, Families and Learning. Those powers were transferred to the Board of School Administrators on Sept. 1, 2001 under MN. Stat. 15.039 Subd. 2.**

PUBLIC INFORMATION

Minnesota Board of School Administrators