

Ethics in Education Act

In compliance to Senate Bill 1712, the Ethics in Education Act, all private schools that participate in the McKay and Corporate Tax Credit Scholarship Programs, must post at the school site and on the school's Web site the policies and procedures for reporting misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student. Garden of the Sahaba Academy participates in McKay and Corporate Tax Credit Scholarship Programs and holds all its employees to the highest ethical standards because it is moral, ethical, professional and the right thing to do.

The following reflects GSA's policies and procedures for reporting misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student.

Employee Standards of Ethical Conduct

In 2008 the Florida Legislature passed Senate Bill 1712 that was signed by Governor Charlie Christ and became effective July 1, 2008. The bill establishes a set of requirements for employment & certification of educators, disciplinary actions and reporting of educator misconduct. GSA requires and provides training to all instructional personnel and school administrators on the standards of ethical conduct. The code of ethics established for Florida certified educators is available in Appendix A. It is the duty of all employees and agents of the school to report immediately allegations or suspicion of misconduct by instructional personnel that affects the health, safety, or welfare of a student to the school Director/Principal/Superintendent or the Board Chairperson. You are required to document the details of the event and secure evidence (if applicable). Possible penalties for failure to report misconduct may include: Written Reprimand, Suspension with or without pay, Termination of employment, and/or Discipline/Sanctions on educator's certificate. The explanation of Employee Liability Protection under Sections 768.095 & 39.203 is provided in Appendix A.

The law strictly prohibits confidentiality agreements with instructional personnel or school administrators who are dismissed, terminated, or resign in lieu of termination due to misconduct that affects the health, safety, or welfare of a student. In compliance with the law, any reference provided by GSA to a potential employer in an educational setting will disclose the misconduct.

Child Abuse and/or Child Neglect

In accordance with section 39.201(F.S.) it is mandatory to report child abuse, neglect, or abandonment. Notice stating all employees have a duty to report actual or suspected cases of child abuse, neglect, or abandonment have been posted in a conspicuous place at the school. Any teacher or school employee who has reasonable cause to suspect that a child has been subjected to abuse/neglect shall immediately notify the Department of Health and Rehabilitative Services at the statewide hotline: 1-800-962-2873 and immediately notify the Director/Principal/Superintendent or the Board Chairperson that a report has been made. If there is a question of reasonable cause; the school employee shall consult with Director/Principal/School Superintendent or the Board Chairperson prior to making a report. (See Appendix B for further details).

APPENDIX A

CODE OF ETHICS – EDUCATION PROFESSION

6B-1.006 Principles of Professional Conduct for the Education Profession in Florida

6B-1.001 Code of Ethics of the Education Profession in Florida

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.

Specific Authority 229.053(1), 231.546(2) (b) FS. Law Implemented 231.546(2) (b) FS. History - New 3-24-65, Amended 8-9-69, Repromulgated 12-5-74, Amended 8-12-81, 7-6-82, Formerly 6B-1.01.

6B-1.006 Principles of Professional Conduct for the Education Profession in Florida.

1. The following disciplinary rule shall constitute the Principles of Professional Conduct for the Education Profession in Florida.
2. Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law.
3. Obligation to the student requires that the individual:
 - a. 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.
 - b. Shall not unreasonably restrain a student from independent action in pursuit of learning.
 - c. Shall not unreasonably deny a student access to diverse points of view.
 - d. Shall not intentionally suppress or distort subject matter relevant to a student's academic program.
 - e. Shall not intentionally expose a student to unnecessary embarrassment or disparagement.
 - f. Shall not intentionally violate or deny a student's legal rights.
 - g. 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.
 - h. Shall not exploit a relationship with a student for personal gain or advantage.

- i. Shall keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
4. Obligation to the public requires that the individual:
 - a. Shall take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.
 - b. Shall not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.
 - c. Shall not use institutional privileges for personal gain or advantage.
 - d. Shall accept no gratuity, gift, or favor that might influence professional judgment.
 - e. Shall offer no gratuity, gift, or favor to obtain special advantages.
5. Obligation to the profession of education requires that the individual:
 - a. Shall maintain honesty in all professional dealings.
 - b. Shall not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background deny to a colleague professional benefits or advantages or participation in any professional organization.
 - c. Shall not interfere with a colleague's exercise of political or civil rights and responsibilities.
 - d. Shall 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 effort to assure that each individual is protected from such harassment or discrimination.
 - e. Shall not make malicious or intentionally false statements about a colleague.
 - f. Shall not use coercive means or promise special treatment to influence professional judgments of colleagues.
 - g. Shall not misrepresent one's own professional qualifications.
 - h. Shall not submit fraudulent information on any document in connection with professional activities.
 - i. Shall not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.
 - j. Shall not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.
 - k. Shall provide upon the request of the 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.
 - l. Shall 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.
 - m. Shall self-report within forty-eight (48) hours to appropriate authorities (as determined by district) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, 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 No lo Contendre for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of Sections 943.0585(4)(c) and 943.059(4)(c), Florida Statutes.

- n. Shall report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 1012.795(1), Florida Statutes.
- o. Shall 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 Section 1012.795(1), Florida Statutes.
- p. Shall comply with the conditions of an order of the Education Practices Commission.
- q. Shall, as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

Specific Authority 229.053(1), 231.546(2) (b) FS. Law Implemented 231.546(2), 231.28 FS. History - New 7-6-82, Amended 12-20-83, Formerly 6B-1.06, Amended 8-10-92, 12-29-98.

Explanation of Employee Liability Protection under Section 768.095 Florida Statute

768.095 Employer immunity from liability; disclosure of information regarding former or current employees.

An employer who discloses information about a former or current employee to a prospective employer of the former or current employee upon request of the prospective employer of the former current employee is ***immune from civil liability for such disclosure or its consequences*** unless it is shown by clear and convincing evidence that the information disclosed by the former or current employer was knowingly false or violated any civil right of the former or current employee protected under chapter 760.

APPENDIX B

DEFINITIONS OF ABUSE

As described in Chapters 39 and 415, Florida Statutes, the Florida Department of Children & Families is charged with providing comprehensive protective services for children who are abused, neglected or at threat of harm and vulnerable adults who are abuse, neglected or exploited in the state by requiring that reports of abuse, neglect, threatened harm, or exploitation be made to the Florida Abuse Hotline. In taking action to prevent further harm to the child, any other children living in the home or a vulnerable adult the Department of Children & Families must preserve the family life of the parents, children, and vulnerable adults to the maximum extent possible. Law enforcement is to take the lead in all criminal investigations and prosecution.

Child - any born, unmarried person, less than 18 years old who has not been emancipated by order of the court.

Vulnerable Adult - a person age 18 years or older who has a disability or is suffering from the infirmities of aging.

A. The Florida Abuse Hotline will accept a report when:

1. There is reasonable cause to suspect that a **child** who can be **located in Florida**, or is temporarily out of the state but expected to return in the immediate future, has been **harmed** or is believed to be **threatened with harm** from a **person responsible for the care of the child**.

OR

1. Any **vulnerable adult** who is a resident of Florida or currently located in Florida who is believed to have been **abused or neglected** by a caregiver in Florida, or suffering from the ill effects of **neglect by self** and is need of service, or **exploited** by any person who stands in a position of trust or confidence, or any person who knows or should know that a vulnerable adult lacks capacity to consent and who obtains or uses, or endeavors to obtain or use, their funds, assets or property.

B. Definition of Caretaker Responsible (Child): Every child should expect to be safe and protected when in the care of:

1. a **PARENT**, even if the parent is a minor; or
2. a **LEGAL CUSTODIAN**; or
3. an **ADULT HOUSEHOLD MEMBER** found in the home continually or at regular intervals; or
4. **ANOTHER ADULT** who has been **entrusted with**, or voluntarily **assumed responsibility** for the care of the child; or.
5. **ANOTHER CHILD** who is an **employee or volunteer** of a daycare, public or private school, agency, summer camp or similar facility when given sole responsibility for the care of the child.

C. Definition of Possible Responsible Person (Vulnerable Adult):

1. a **CAREGIVER** to the victim, or
2. a **VULNERABLE ADULT** in need of services, or
3. a **PERSON** who stands in a **position of trust and confidence**, or

4. a **PERSON** who **knows or should know** that the vulnerable adult lacks capacity to consent.

D. Description of Harm (Child):

ABUSE: Any willful or threatened act or omission, that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. **NEGLECT:** Any act or omission where a child is deprived of, or allowed to be deprived of, necessary supervision, food, clothing, shelter, or medical treatment, or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by the caretaker responsible.

THREATENED HARM: A situation, circumstances, or behavior which leads a prudent person to have reasonable cause to suspect abuse or neglect has occurred or may occur in the immediate future if no intervention is provided.

SPECIAL CONDITIONS: A situation that does not rise to the reasonable cause to suspect harm level, but requires intervention.

E. Description of Impairment (Vulnerable Adult):

ABUSE: Any willful or threatened act or omission that causes or is likely to cause significant impairment to a vulnerable adult's physical, mental or emotional health.

NEGLECT: The failure or omission on the part of the caregiver to provide the care, supervision and services necessary to maintain the physical and mental health of the vulnerable adult. The failure of a caregiver to make reasonable efforts to protect a vulnerable adult from abuse, neglect, or exploitation by others.

EXPLOITATION: Actions of deception or intimidation, for the purpose of personal gain or benefit by a person in a position of trust, that deprives a vulnerable adult of the use, benefit or possession of funds, assets or property. Exploitation also occurs when the Possible Responsible Person knows or should know that the vulnerable adult lacks the capacity to consent and who obtains or uses, or endeavors to obtain or use, their funds, assets or property for personal gain or benefit.

SPECIAL CONDITIONS: A vulnerable adult in need of services as a result of self-neglect.

How to Report

TELEPHONE:

1-800-96-ABUSE

(1-800-962-2873)

FAX REPORTING: 1-800-914-0004.

A written report with your name and contact telephone may be faxed using the fax form. Form may be obtained from either the Principal or the Director.

NOTIFICATION OF REPORT:

Telephone reporters will always be told prior to concluding your conversation, whether the information provided has been accepted as a report.

For faxed information, notification will be provided only when additional information is needed to accept a report, or when the report does not fall within the jurisdiction of Children & Families. Your fax number must be clearly indicated on your report. Although you may request confirmation, you can assume that your report was accepted if you provided your fax number and receive no response from the Hotline.

FALSE REPORTING

Knowingly and willfully making a false report is a 3rd degree felony. This can result in a fine or imprisonment if convicted.

Section 39.205, Florida Statutes (F.S.) states what the department has to do concerning false reporting for children and Section 415.111, F.S. addresses with false reporting for adults.

Explanation of Employee Liability Protection under Section 39.203, Florida Statute

39.203 Immunity from liability in cases of child abuse, abandonment, or neglect.

(1)(a) Any person, official, or institution participating in good faith in any act authorized or required by this chapter, or reporting in good faith any instance of child abuse, abandonment, or neglect to the department or any law enforcement agency, ***shall be immune from any civil or criminal liability which might otherwise result by reason of such action.***

(b) Except as provided in this chapter, nothing contained in this section shall be deemed to grant immunity, civil or criminal, to any person suspected of having abused, abandoned, or neglected a child, or committed any illegal act upon or against a child.

(2)(a) ***No resident or employee of a facility serving children may be subjected to reprisal or discharge because of his or her actions in reporting abuse, abandonment, or neglect pursuant to the requirements of this section.***

(b) ***Any person making a report under this section shall have a civil cause of action for an appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of such reporting party by reason of his or her making such report. Any detrimental change made in the residency or employment status of such person, including, but not limited to, discharge, termination, demotion, transfer, or reduction in pay or benefits or work privileges, or negative evaluations within a prescribed period of time shall establish a rebuttable presumption that such action was retaliatory.***