

Ethics in Education Policy

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Purpose

To comply with the requirements established by the Florida Ethics in Education Act, Florida Statute §1002.421, through the adoption, implementation, and enforcement of a policy that regulates and creates ethical standards in employment and notifies all staff of their obligations to report child abuse.

Applicable Law

Florida Statute §220.187

Florida Statute §1002.39

Florida Statute §1002.41

Florida Statute §1012.01

Florida Statute §943.0542

Florida Statute §39.203

Florida Statute §768.095

Florida Statute §1001.10(5)

Florida Statute §1012.315

Definitions

1. “Staff with direct student contact” means any employee, volunteer, or contracted personnel, who have unsupervised access to a scholarship student for whom the private school is responsible.
2. “Teachers” means staff members assigned the professional activity of instructing students in courses in classroom situations, including basic instruction, exceptional student education, career education, and adult education, including substitute teachers.
3. “School administrator” includes:
 - a. School principals or school directors who are staff members performing the assigned activities as the administrative head of a school and to whom have been delegated responsibility for the coordination and administrative direction of the instructional and non-instructional activities of the school. This classification also includes career center directors.
 - b. Assistant principals who are staff members assisting the administrative head of the school. This classification also includes assistant principals for curriculum and administration.

Training Requirement

All instructional personnel, educational support employees, and administrators are required as a condition of employment to complete training on these standards of ethical conduct.

Non-Discrimination Clause

Trinity Christian Academy does not discriminate in its hiring or employment practices on the basis of gender, race, color, national and ethnic origin.

Employment Screening

All teachers, whether paid or volunteer, will hold a Bachelor or higher degrees, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

All staff members, whether paid or volunteer, who have direct student contact will undergo a state and national background screening, pursuant to Senate Bill 1712, by filing with the Department of Law Enforcement a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the private school, a school district, or a private company who is trained to take fingerprints and deny employment to or terminate an employee if he or she fails to meet the screening standards under s. §1012.315, F.S. Results of the screening shall become property of the ministry/school.

No person having direct student contact will begin working with the school, in any capacity, without the school having first obtained a state and national background screen. Upon notification that a staff member or potential staff member has failed the background screening, the staff member or potential staff member will be dismissed or denied employment.

All staff members with direct student contact will undergo background screening every five years. Upon notification that a staff member has failed the background screening, the staff member will be immediately dismissed.

All potential staff member who will have direct student contact will provide past employer references as a part of their reemployment screening process. No staff members will begin service to the ministry until the ministry has contacted or has reasonably attempted to contact all past employer references. All contact will be documented and become the property of the ministry/school.

All staff member with direct student contact will be screened using the following Department of Education's educator screening tools

1. The Professional Practices' Database of Disciplinary Actions Against Educators
2. The Department of Education's Teacher Certification Database described

All findings will be documented and will become the property of the ministry/school.

Disqualifying Crimes

Staff members that have direct contact with students will be disqualified from employment or volunteer service if an employment screening document, interview or background check reveals a conviction for any of the following offenses. If an employment screening document, interview or background check reveals an arrest, investigation, or accusation, potential employees must be prepared to discuss these issues prior to hire.

1012.315 Disqualification from employment.—A person is ineligible for educator certification, and instructional personnel and school administrators, as defined in s. 1012.01, are ineligible for employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts scholarship students under s. 1002.39 or s. 1002.395, if the person, instructional personnel, or school administrator has been convicted of:

A. Any felony offense prohibited under any of the following statutes:

1. Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
2. Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
3. Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
4. Section 782.04, relating to murder.
5. Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.
6. Section 784.021, relating to aggravated assault.
7. Section 784.045, relating to aggravated battery.
8. Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.
9. Section 787.01, relating to kidnapping.
10. Section 787.02, relating to false imprisonment.
11. Section 787.025, relating to luring or enticing a child.
12. Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.
13. Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.
14. Section 790.115(1), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.
15. Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or

- other weapon at a school-sponsored event or on school property.
16. Section 794.011, relating to sexual battery.
 17. Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.
 18. Section 794.05, relating to unlawful sexual activity with certain minors.
 19. Section 794.08, relating to female genital mutilation.
 20. Chapter 796, relating to prostitution.
 21. Chapter 800, relating to lewdness and indecent exposure.
 22. Section 806.01, relating to arson.
 23. Section 810.14, relating to voyeurism.
 24. Section 810.145, relating to video voyeurism.
 25. Section 812.014(6), relating to coordinating the commission of theft in excess of \$3,000.
 26. Section 812.0145, relating to theft from persons 65 years of age or older.
 27. Section 812.019, relating to dealing in stolen property.
 28. Section 812.13, relating to robbery.
 29. Section 812.131, relating to robbery by sudden snatching.
 30. Section 812.133, relating to carjacking.
 31. Section 812.135, relating to home-invasion robbery.
 32. Section 817.563, relating to fraudulent sale of controlled substances.
 33. Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
 34. Section 825.103, relating to exploitation of an elderly person or disabled adult.
 35. Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.
 36. Section 826.04, relating to incest.
 37. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.
 38. Section 827.04, relating to contributing to the delinquency or dependency of a child.
 39. Section 827.071, relating to sexual performance by a child.
 40. Section 843.01, relating to resisting arrest with violence.
 41. Chapter 847, relating to obscenity.
 42. Section 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.
 43. Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.
 44. Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
 45. Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.
 46. Section 985.701, relating to sexual misconduct in juvenile justice programs.
 47. Section 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.
- B. Any misdemeanor offense prohibited under any of the following statutes:
1. Section 784.03, relating to battery, if the victim of the offense was a minor.
 2. Section 787.025, relating to luring or enticing a child.
 3. Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subsection (1) or subsection (2).
 4. Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on

the Registered Juvenile Sex Offender List under s. 943.0435(1)(a)1.d.

Trinity Christian Academy understands that scholarship funding shall be suspended if Trinity Christian Academy knowingly fails to comply with this subsection, and the Department of Education shall prohibit Trinity Christian Academy from enrolling new scholarship students, for one fiscal year and until the school complies.

Code of Ethical Conduct for Staff Members

Trinity Christian Academy values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of spiritual growth. Essential to the achievement of these standards are the freedom to learn and teach in a truly Christian environment. Trinity Christian Academy's primary professional concern will always be for the student and for the development of the student's potential, both from an educational perspective and a spiritual perspective. Trinity Christian Academy will therefore strive for professional and spiritual growth and will seek to exercise the best professional judgment and integrity while maintaining a proper Christian testimony. 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, Trinity Christian Academy therefore strives to achieve and sustain the highest degree of ethical conduct.

Principles of Professional and Spiritual Conduct for Staff Members

The following disciplinary rules shall constitute Trinity Christian Academy's ethical standards for all staff members. Violation of any of these standards shall subject the individual to discipline and/or dismissal.

- A. Obligation to the student requires that the individual:
 - 1. Shall manifest by precept and example the highest Christian virtue and personal decorum, serving as a Christian Role Model both at and away from Trinity Christian Academy and as an example to all in judgment, dignity, respect, and Christian living.
 - 2. 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;
 - 3. Shall not engage in personal relationships with students outside of the classroom that are inappropriate, familiar or of an immature manner;
 - 4. Shall not invite student to overnight outings, outside of their family members without an approved staff chaperone present;
 - 5. Shall not unreasonably restrain a student from independent action in pursuit of learning;
 - 6. Shall not intentionally expose a student to unnecessary embarrassment or disparagement;
 - 7. Shall not intentionally violate or deny a student's legal rights;
 - 8. Shall not harass any student;
 - 9. Shall not exploit a relationship with a student for personal gain or advantage; and
 - 10. Shall keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
- B. Obligation to the public requires that the individual:
 - 1. Shall subscribe without reservation to the Statement of Faith and the Code of Conduct of Trinity Christian Academy and agree to abide by these doctrines and standards in all aspects of my life, both at and away from ministry functions;
 - 2. Shall understand that the bona fide occupational qualification of being a Christian Role Model includes but is not limited to abstaining from all acts of homosexuality, fornication, adultery, transvestitism and deviant gender identity;
 - 3. Shall not use institutional privileges for personal gain or advantage;
 - 4. Shall accept no gratuity, gift, or favor that might influence professional judgment; and
 - 5. Shall offer no gratuity, gift, or favor to obtain special advantages.
- C. Obligation to the profession of education requires that the individual:
 - 1. Shall maintain honesty in all professional dealings;
 - 2. Shall remain loyal to the ministry/school leadership and the ministry's/school's programs in word and in action;

3. Shall faithfully attend and financially support a local church whose fundamental beliefs are in agreement with the Statement of Faith of Trinity Christian Academy (Hebrews 10:25).
4. Shall not engage in harassment or discriminatory conduct contrary to Trinity Christian Academy's statement of faith, 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;
5. Shall abstain from the use of alcohol and tobacco products;
6. Shall not engage in any intimate sexual activity outside of a marriage with a member of the opposite sex, shall not engage in viewing pornography, and shall not make any attempt to alter gender by surgery or appearance;
7. Shall understand that homosexual conduct defined as acts or identifying statements, is incompatible with employment at Trinity Christian Academy and is a basis for dismissal;
8. Shall not make malicious or intentionally false statements about a colleague;
9. Shall not use coercive means or promise special treatment to influence professional judgments of colleagues;
10. Shall not misrepresent one's own professional qualifications;
11. Shall not submit fraudulent information on any document in connection with professional activities;
12. 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;
13. Shall not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment
14. Shall not assist entry into or continuance in the profession of any person known to be unqualified in accordance with this Code of Ethics;
15. Shall self-report within 48 hours to appropriate authorities (as determined by the administration) any arrest/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 Nolo Contendere for any criminal offense other than a minor traffic violation within 48 hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school shall comply with the confidentiality provisions of Section 943.0585 (4)(c), Florida Statutes;
16. 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;
17. Shall seek no reprisal against any individual who has reported any allegation of a violation against him/her;
18. Shall understand and agree that my responsibilities as a church member and as a member of the ministry/school staff are inseparable and that I will be immediately removed from the ministry/school if I am out of fellowship with the church, as determined in the sole discretion of the pastor; and
19. Shall understand and agree that God's command for my role as a member of the staff is for me to perform at the will of the ministry/school leadership. Following this command of God, I agree to perform all duties and responsibilities entrusted to me by the ministry/school leadership to their complete and full satisfaction.

Confidentiality Agreements

Trinity Christian Academy, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed staff members, or staff members who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the staff member with employment references or discuss the personnel's or administrators'

performance with prospective employers in another educational setting, without disclosing the staff member's misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by staff members which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

Mandatory Reporting Requirements

Trinity Christian Academy seeks to express God's love of children and provide for their personal wholeness. This caring community seeks to prevent child abuse of any form to our children and youth and to minister to victims of abuse and their families. The Bible is foundational to our understanding upon which all policies, procedures, and ministries must stand.

Our goal in response to these Biblical mandates is to maintain a safe, secure, and loving place where children may grow: a place where caregivers, teachers, and leaders (both paid and volunteer) minister appropriately to their needs.

Trinity Christian Academy desires to be a safe place for all children and adults who attend any activity. Individuals they know and trust sometimes victimize children. The ministry is not immune to such abuse, either by its members or by those in leadership positions. Incidents of child abuse or neglect cut across racial, social, economic and religious boundaries. Although no organization or individual can assure complete protection, this section along with Trinity Christian Academy's Child Abuse policies reflects Trinity Christian Academy's commitment to help protect children from harm.

Trinity Christian Academy will not tolerate child abuse or neglect. Staff cooperation in this commitment not only reflects a concern about children's safety in this society, but also a willingness to take steps toward halting child abuse and its detrimental effects.

For the safety and protection of our children and workers, all people who participate in ministry/school-sponsored activities with children are required to comply with the guidelines provided in this policy in conjunction with our Child Abuse Prevention Policy.

If Trinity Christian Academy receives an allegation of child abuse, it will respond with the utmost concern to the victim, parent, or other party making such an allegation. The accused will be treated with dignity and support. Without clear and convincing evidence to the contrary, Trinity Christian Academy's personnel will assume that such complaints are made in good faith. Persons making such complaints should have no doubt that Trinity Christian Academy takes them seriously and will take appropriate action.

When it becomes necessary to report suspected child abuse or neglect, the protection of children must be the most important concern. It is the legal responsibility of any person with responsibility for the care of children to report all cases of child abuse they observe, and further, to report visible signs of alleged abuse. Failure to report could lead to liability, both civilly and criminally, on the part of the ministry/school, the observer or both. Trinity Christian Academy has determined that it is the responsibility of the program staff to report all cases of suspected child abuse to the proper legal authorities. While the confidentiality of the pastor/parishioner relationship is very important, reporting reasonable suspicion of child abuse has the potential for helping individuals receive help for a previous problem and may prevent further harm to a child, that person or others.

What is reasonable suspicion? Reasonable suspicion means that there is credible evidence or a discrepant or inconsistent history in explaining a child's suspected abuse.

A report based on reasonable suspicion does not require proof that abuse or neglect has actually occurred or that the reporter witnessed the incident in question. Reporting is not a determination that child abuse or neglect has actually occurred; rather, it is a request for an assessment of the condition of a child. Because we believe children are our most important concern, Trinity Christian Academy has adopted the following guidelines for reporting:

1. Treat each allegation of child abuse seriously.
2. Attempt to assure the safety and protection of persons who have been harmed.
3. Pray for the ministry/school and all persons affected by the allegation.
4. Immediately begin documenting all procedures observed in handling the allegation.
5. Immediately notify the school administrator. The school administrator will, along with the reporting staff member, immediately report allegations to the Department of Children and Family Services.
6. Immediately notify the parents if it is not known that they have previous knowledge of the allegations, and allegations are not currently against them.
7. Immediately notify the ministry/school's insurance company. As appropriate, the school administrator shall immediately notify the ministry/school's insurance carrier of the possibility of a claim. If the abuse allegation does not implicate a ministry/school staff member or ministry/school volunteer, this step may be omitted.
8. If the accused has assigned duties within the life of the ministry/school, that person must be immediately relieved of his duties until the investigation is concluded.
9. The pastor/school authorities should extend whatever care and resources necessary. In providing care to the principals (alleged victim and the accused) and their families, the pastor, ministry leader, and/or school authorities, should under no circumstances be drawn into a discussion of the truth or falsity of the allegation which could contaminate an official investigation. Do not assign blame or take any steps that involve establishing or negating the allegation.
10. It is appropriate to show care and comfort for the alleged victim and accused until advised to the contrary by the pastor.
11. Observe confidentiality for both the alleged victim and the accused until advised to the contrary by the pastor.
12. Do not confront the accused until the safety of the child or student is secured.
13. Do not prejudge the situation, but take the allegations seriously and reach out to the alleged victim and his or her family. Showing care and support help to prevent further hurt. Extend whatever pastoral resources are needed. Remember that the care and safety of the alleged victim is the first priority. In some situation, ministries and schools have responded in a negative or non-supportive manner to the alleged victim. This conduct can increase the anger and pain of the alleged victim and his or her family. Further reconciliation can then be more difficult and the possibility of damaging litigation increases.
14. Treat the accused with dignity and support.
15. If the media or other parties contact a ministry official or school authorities about a pending allegation of child abuse, they should be referred to the pastor or Headmaster. Only the ministry leader, school authorities, or their designees should make comments about the allegations, using a prepared public statement to answer the press and to convey news to the congregation, staff members and school personnel. The prepared statement shall be made only after consultation with the ministry/school's attorney and will include the steps the ministry/school has taken to protect children, such as the development and implementation of this manual, and the care and concern the ministry/school has for all parties involved. The privacy and confidentiality of all involved shall continue to be of primary concern.

All Faculty and Support Staff members are required to report suspected child abuse immediately. Trinity Christian Academy adheres to the Florida Child Abuse Laws. The Professional's Guide for Child Abuse and Neglect in Florida is required reading for all school employees.

Liability Protections Liability Protections

Any person, official, or institution participating in good faith in any act authorized or required by law, 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. (F.S. 39.203) 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 or of the former or 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 F.S. Chapter 760. (F.S. 768.095)

Reporting Misconduct by Instructional Personnel and Administrators

All employees, educational support employees, and administrators have an obligation to report misconduct by instructional personnel and school administrators, which affects the health, safety, or welfare of a student. Examples of misconduct include obscene language, drug and alcohol use, disparaging comments, prejudice or bigotry, sexual innuendo, cheating or testing violations, physical aggression, and accepting or offering favors. Reports of misconduct of employees should be made to **Karen Neher at karen.neher@tcadeltona.com**. Reports of misconduct committed by administrators should be made to **Marci Meyer at marci.meyer@tcadeltona.com**. Legally sufficient allegations of misconduct by Florida certified educators will be reported to the Office of Professional Practices Services. Policies and procedures for reporting misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student are posted on the bulletin board in the Teacher's lounge and on our Website at www.trinitychristianacademy.com.

To Report Abuse

National Child Abuse Hotline: 1.800.4.A.CHILD (1.800.422.4453)

Florida Child Abuse Hotline: 1.800.96.ABUSE (1.800.962.2873) – TDD: 1.800.453.5145

Department of Children and Services website: <http://www.dcf.state.fl.us/abuse/report/>.