



FOUNDATION ACADEMY

## Training Manual

### Child Abuse Reporting Obligations

As educational professionals, we have a responsibility to provide the children we teach with the opportunity to obtain the best education possible. However, our responsibility does not end there. We also have a legal responsibility to protect the children we educate from child abuse, neglect and abandonment and to report any information that we receive that leads us to suspect that a child has been abused neglected or abandoned.

Unfortunately child abuse, neglect and abandonment are all too frequent occurrences in today society. In our capacities as educators or employees at an educational institution, at some point in our careers we are likely to come in contact with a child facing one or more of these situations. This prompts the question, "how do I recognize and deal with such a situation when it occurs?" This policy is designed to provide guidelines for reporting suspected child abuse, neglect, and abandonment.

Florida statues require that all school personnel report situations involving potential child abuse neglect or abandonment. The statute contains these definitions:

**"Abuse"** means any willful act or threatened act 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. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

**"Neglect"** occurs when a child is deprived of, or is allowed to be deprived of, necessary 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.

**"Abandoned"** means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations.

If you have any belief, concern or thought that you have witnessed, hear or heard about a situation possible involving abuse, neglect or abandonment by any person who is a custodian, is responsible for the child's welfare or is in a supervisory capacity over the child (parent, relative, pastor, physician, counselor, instructor, school administrator, baby sitter etc.) you must report your concern to the Head Master/Principal. The Head Master/Principal will discuss the situation with you to ensure that the appropriate reports, if any, are completed. You can also report the situation directly to the state by calling the toll-free Abuse Hotline at 800-962-2873. There is a notice posted in the break room with this information.

Employees who report concerns of suspected child abuse, abandonment or neglect are expected to cooperate in any investigation by child protective services. In addition, under the provisions of Florida Statute 39.203, employees who in good faith report suspected of suspected abuse, abandonment or neglect are immune from civil or criminal liability for reporting such information and participating in any investigation. Other than the report itself and the information of appropriate information to the Head Master/Principal, the information about the suspected child abuse, abandonment, or neglect should remain confidential for the protection of the child.

You should also understand that the failure to promptly report suspected child abuse, abandonment or neglect can result in criminal charges for a felony. In addition, an educator's teaching certificate may be suspended from any person who knowingly failed to report child abuse, abandonment, or neglect.

**If you suspect or know of any child who is being harmed, call the Florida Abuse Hotline at 1-800-962-2873. If you see a child in immediate danger, call 911.**

# Code of Ethics

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.
- 

## **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 Nolo Contendere 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.

# Foundation Academy Code of Conduct

All employees are required to ensure the health, safety and welfare of the School's students at all times. The following sets forth some examples of inappropriate and prohibited behavior. Any similar behavior that creates even the appearance of impropriety must be avoided and must be promptly reported.

**Every employee has a duty to report alleged employee or administrator misconduct that affects the health, safety, or welfare of a student.** If you are aware of or observe misconduct, protect the students and yourself and **REPORT IT IMMEDIATELY!**

As employees of an educational institution you are held to a higher standard by parents, student's colleagues and members of the public. We support and endorse a strict policy of respect towards students, and expect employees to act at all times as adult role models. In addition, students typically respond better to faculty and administrators and evidence greater levels of respect when appropriate expectations are established right from the beginning of the relationship. Therefore you should ensure that you do not engage in any interaction or communication that may reflect even the appearance of impropriety or make students feel uncomfortable in your presence. If you are not sure whether a particular comment or action may be appropriate, it is far better to avoid the behavior than risk negative consequences.

**The following are examples of inappropriate interactions and communications with students. This list is not all inclusive and other similar activities should also be avoided:**

- Calling students at home for non-school related matters
- Encouraging or allowing students to call you by an inappropriate nickname
- Touching students or their clothing in non-professional ways or inappropriate places, or touching a student with aggression in frustration or when you are highly emotional
- Giving your phone number or asking for a student's phone numbers for use in situations other than for legitimate school reasons

- Making too personal comments to students about their clothing, hair, nail polish, personal habits, etc.
- Being alone with a student in a vehicle, closed room or other area
- Sending emails or writing notes to students of a personal nature
- Giving students rides except in emergency situations
- Engaging a student to complete personal errands for you
- Discussing the personal affairs of other students or your colleagues
- Speaking with innuendo to suggest a relationship or sexual subjects
- Flirting with a student
- Visiting students to “hang out” in their hotel rooms when on field trips or sporting events
- Swearing, making inappropriate sexual, racial, or ethnic comments
- Yelling or abusive actions towards a student
- Drinking or using illegal drugs at school, around or with students, or at any school related event
- Telling off-color jokes
- Dating or engaging in inappropriate relationships with students

**In addition, employees must adhere to the following additional guidelines:**

- Employees should never physically move, grab, touch or hit a student, or grab something from a student with aggression or because of frustration. You should never physically threaten a student with words or objects. You should never treat a student with anything less than respect and dignity. If a student does not follow directions as expected, you should communicate clearly your instructions, and if the student does not listen or respond appropriately, you should take the appropriate action seeking assistance from the administration if necessary.
- Employees shall maintain the highest level of honesty, integrity and professionalism in their dealings with students, parents, and their co-workers, and the public.

- Employees shall not share with persons who do not have a legitimate need to know information regarding the personal lives of students and their parents. This included information relating to a student disability, impairment, medical condition, medications, grades and disciplinary actions, or a parents financial condition, marital problems, ect. Employees should note, however, that to the extent any personal information potentially pertains to a concern of abuse, abandonment, or neglect, such information must be promptly reported as discussed in our Reporting Abuse Policy.
- Employees shall comply with applicable laws, school policies, regulations and related rules and are prohibited from engaging in any activities that could involve any unlawful practice.

**Every employee has a duty to report alleged employee or administrator misconduct that affects the health, safety, or welfare of a student.** If you are aware of or observe misconduct protect the students and yourself and **REPORT IT IMMEDIATELY!**

## **REPORTING MISCONDUCT**

If you witness, learn of, or hear information that raises the possibility that an employee has engaged in inappropriate behavior or misconduct that might affect the health, safety, or welfare of a student, including child abuse, you must notify one of the following individuals immediately. If you are unsure whether a particular action or comment is inappropriate, you should error on the side of caution and report the concern to:

- 1. Your Direct Supervisor**
- 2. Your School Principal**
- 3. The Head Master**

Do not attempt to resolve the situation yourself. It is vital that one of the individuals above be notified so that the school can handle the situation appropriately. Failure to report inappropriate behavior or misconduct may result in discipline, up to and including termination.

You will not be retaliated against or disciplined in any way for making a good faith report of misconduct. If you believe that any employee has retaliated against you for a good faith report, you must report that concern to one of the above individuals. In addition, you should note that the Florida's child abuse reporting law provides immunity to persons who report actual or suspected cases of child abuse in good faith.

## **HOW TO REPORT MISCONDUCT**

Report allegations or suspicion of misconduct by instructional personnel or other staff members to your direct Supervisor, Principal, or Head Master.

Report allegations or suspicion of misconduct by your school administrator to a member of the Board of Directors.

Document the activities or details of the event.

Secure evidence (if applicable).

## **WHO SHOULD YOU REPORT?**

- Classroom teachers
- NILD staff
- Substitute teachers
- Librarians, guidance counselors and social workers
- Coaches, assistant coaches
- Secretaries, maintenance staff
- Principals, Assistant Principals, and Deans

## **FAILURE TO REPORT MISCONDUCT**

Possible penalties for instructional personnel or site administrators who fail to report misconduct may include:

- Written Reprimand
- Suspension with or without pay
- Termination of employment
- Discipline/Sanctions on an educator's certificate

### **Timing of Reports:**

Reporting of concerns should be made promptly so that rapid and constructive action can be taken. Therefore, while no fixed legal reporting period has been established, we expect employees to make reports as soon as they have reason to believe that an employee's conduct may affect a student's health, safety, or welfare. In addition, even if you are currently hearing about an employee's alleged past misconduct you must report your concern so that the school can investigate the situation and ensure that appropriate action, if any, has been taken.

### **Investigatory Process and Confidentiality:**

The administration will assess the information provided and will investigate reports of misconduct. The investigation will be tailored to the report and may include individual interviews with the complaining individual, the person accused of inappropriate conduct, and where necessary, with the individuals who may have observed the alleged conduct or may have relevant knowledge. The school will attempt to maintain confidentiality of the information to the extent possible, consistent with the school's obligations to properly investigate.

### **Disciplinary and Other Related Action:**

The school will discipline any individual found to have engaged in inappropriate behavior or misconduct that may affect the health safety or welfare of students. In addition, the school will discipline any person whom it determines was aware of the circumstances and failed to report it. Moreover, to the extent that the individual who knowingly failed to report such misconduct holds a Florida Teaching Certificate, the Florida Education Practices Commission may suspend the educator's certificate for such failure.

## **Employee liability protections:**

(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 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

**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 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 chapter 760

**The following behavior may be indicative of misconduct that should be reported:**

- being alone with a student in dark or closed room or secluded area
- behaving in an overly friendly or familiar way or failing to maintain an appropriate professional boundary with a student
- using forceful or unnecessary physical contact with a student
- administering discipline not compliant with district policy
- accepting or offering of gifts for return of a favor or privilege from students or colleagues
- badgering or habitually teasing a student
- mocking or belittling a student
- chronically embarrassing a student
- displaying prejudice or bigotry against a student
- suspicion of being under the influence of drugs or alcohol
- failing to properly supervise students or to ensure student safety
- cheating, falsifying information or testing violations
- retaliating against a student or colleague for reporting misconduct
- bantering or engaging in colloquial or slang communications with a student
- directing or using profane, offensive, or explosive language in the presence of students
- making lewd or suggestive comments or overtures toward a student or colleague

**Apply the litmus test**

1. If you feel uncomfortable
2. If you question the person's motives or actions
3. If you are unsure

**Foundation Academy has a notice posted at each campus stating that all employees have a duty to report actual or suspected cases of misconduct, and it includes the name of the person to whom you should report any suspicion of misconduct. Remember that employees have immunity from liability if they make a report in good faith.**