

WELCOME!

Senate Bill 1712 Ethics In Education Act Staff Training

“An Act of Professionalism”



= Supporting Handout Available

Objectives of the Training

- To meet the training requirements of Senate Bill 1712 
- To inform school personnel of their legal responsibilities as mandated by SB 1712 as it pertains to private schools.
- Inform school personnel the policies and procedures for reporting misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as directed by SB 1712.
- To give school personnel procedures and tools for reporting actual or suspected cases of child abuse, abandonment, or neglect as directed by SB 1712.
- To ensure all educators will understand that SB 1712 was passed to protect students' health, welfare, and safety and requires the highest ethical professional behavior from educators as they serve their students in these areas.

Introduction

- 2008 FL Legislature passed, & Gov. Christ signed Senate Bill 1712, the Ethics in Education Act which became effective July 1, 2008.
- SB 1712 establishes a set of requirements for employment & certification of educators, disciplinary actions, & reporting of educator misconduct.
- The implementation of this Act will require private schools that accept McKay or CTC scholarship students to review procedures in the employment process and establish policies and procedures for compliance.
- Each private school that accepts McKay or CTC scholarship students are required, by law, to implement the provisions of this Act.

Ethics:

1. The study of principles relating to right and wrong conduct
2. Morality
3. The standards that govern the conduct of a person, especially a member of a profession

Education:

1. The process or art of imparting knowledge, skill and judgment

Children:

1. Our most precious natural resource
2. A teacher's mission
3. Trust in their teacher's mission to positively influence their lives and protect their health, welfare, and safety

“By virtue of their leadership capacity, teachers are traditionally held to a high moral standard in a community.”

Adams v. State of Florida
Professional Practices Council,
406 So 2nd 1170 Fla. 1st DCA 1981

Section ONE

EMPLOYMENT STANDARDS

What Is Required of Private Schools Who Accept McKay or CTC Scholarship Students?

The Ethics in Education Act (Senate Bill 1712) amends 1002.421, FL Statutes, related to participating private school accountability, by adding new requirements to the employee screening process. This section requires private schools to disqualify personnel and school administrators that are ineligible under Section 1012.315 (Criminal Offenses)

SB 1712 amends 1002.421 F.S. and disqualifies from employment personnel with direct student contact if convicted of a disqualifying offense defined in 1012.315, F.S. 📄

Generally Speaking disqualifying offenses include:

1. Sexual misconduct, sexual battery, prostitution, lewdness, indecent exposure, sexual anything with minors, obscenity, incest, child abuse, or neglect,
2. Murder, manslaughter, assault, and battery,
3. Kidnapping, luring or enticing a child,
4. Exhibiting weapons at a school or school event,
5. Arson, theft over \$3000, dealing in stolen property, robbery, carjacking, home-invasion, resisting arrest,
6. Anything related to controlled substances and paraphernalia.

Or Any Misdemeanor Offense Under Statutes Prohibiting:

1. Battery on a minor and luring or enticing a minor.

Any act that is a federal offense or offense in another state if committed in this state constitutes an offense listed above including having to register as a sex offender

IF AWARE OF SUCH A CONVICTION, EMPLOYERS SHOULD REPORT IT TO THE DEPARTMENT OF EDUCATION.

In accordance with Senate Bill 1712

Prior to employment, the private school is responsible for checking each candidate's previous employer and documenting the findings.

The private school is also required to screen each candidate applying for an instructional or administrative position by using the Department of Education's screening tool which is available to private school administrators through a secure log-in at the DOE website.

In accordance with Senate Bill 1712

Private schools are required to adopt and communicate policies and procedures setting forth standards of ethical conduct for instructional personnel and administrators

Many schools start with State Board of Education Rule 6B-1.001 & 1.002 which is the FL Code of Ethics & Principles of Professional Conduct of the Education Profession in FL 

As per section 16 of SB 1712

The school and any of its terminated or dismissed instructional personnel, administrators, or employees (including those who resign in lieu of termination), based on unethical conduct that affects the health, safety, or welfare of a student are prohibited from entering into a confidentiality agreement.

Employee Standards of Ethical Conduct

SCF Section G Revision

Section 16 of the Bill prohibits the school and any of its terminated or dismissed instructional personnel, administrators, or employees (including those who resign in lieu of termination), based on unethical conduct that affects the health, safety, or welfare of a student from entering into a confidentiality agreement.

The language further prohibits the recommendation of the terminated individual to another educational setting without disclosing the misconduct and provides that any part of an agreement or contract that has the purpose or effect of concealing misconduct is deemed contrary to public policy and cannot be fulfilled.

SECTION: **TWO**

ETHICAL CONDUCT STANDARDS

Employee Standards of Ethical Conduct **SCF Section E Revision**

Private School Standards Must Also Include:

- Training
- Establishing the duty to report misconduct
- Procedures for reporting
- Explanation of the employee liability protections

Establish the Duty to Report & Procedures for Reporting Misconduct SCF Section E Revision

- Florida Statute 1006.061 states **all** employees and agents of the private schools that accept scholarship students have an **obligation** to report misconduct by an instructional personnel member or school administrator.
- Private schools must post a notice at the school site and on their Web site, policies and procedures for reporting misconduct.

Who Should Report Misconduct?

All employees and agents of a private school have a **duty**
to report misconduct,
if you are aware of or observe misconduct.

Who Should You Report

*Those Who Are Unprofessional and Detrimental to Children
In Schools, i.e. -*

- Classroom Teachers
- Paraprofessionals
- Substitute Teachers & Volunteers
- Librarians, Guidance Counselors, & Social Workers
- Career Specialist & School Psychologist
- Principals, Assistant Principals, Administrators, & School Owners

Sample Behaviors Indicative of Misconduct That Should Be Reported

- Being alone with a student in a dark or closed room
- Using forceful or unnecessary physical contact with a student
- Administering discipline not compliant with school policy
- Mocking or belittling a student
- Chronically embarrassing a student
- Using profane, offensive, or explosive language in the presence of students
- Making lewd or suggestive comments or overtures toward a student or colleague
- Suspicion of being under the influence of alcohol or drugs

How Do You Report Misconduct?

- Report allegations of misconduct by school staff or volunteers to your school administrator or designated contact as outlined by your school's procedures on reporting misconduct.
- Report allegations or suspicion of misconduct by your school administrator to your oversight organization such as a board of directors, (pastor, or other designated oversight agency)

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 if Applicable

If Some One Tells You About or You Witness Misconduct, Be A LEADER

- Listen
- Evaluate
- Act immediately
- Document
- Encourage
- Report

Explanation of Employee Liability Protection Under Sections 768.095 & 39.203, Florida Statutes

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 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.

SECTION: **THREE**

REPORTING
CHILD ABUSE,
ABANDONMENT,
OR NEGLECT STANDARDS

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 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.**

Section 20 SB 1712 Amends 1006.61, F.S. Relating to Child Abuse

Q. Who Must Report Child Abuse?

A. Any/All School Personnel

Q. Who Must Post in a Prominent Place a Notice that ALL Employees and Agents of the School Have a Duty to Report ALL Actual or Suspected Cases of Child Abuse, Abandonment, or Neglect to the Dept. of Children & Families (DCF)

This Notice is to Include the Central Abuse Hotline's Toll-Free Number 1-800-96-ABUSE

A. All Private Schools That Accept Scholarships

Child Abuse
Look for the signs
Dial 1-800-96-ABUSE

Signs of Physical Abuse

- The child may have unexplained: bruises, welts, cuts, or other injuries
- broken bones
- burns
- A child experiencing physical abuse may:
 - seem withdrawn or depressed
 - seem afraid to go home or may run away
 - shy away from physical contact
 - be aggressive
 - wear inappropriate clothing to hide injuries

Signs of Sexual Abuse

The child may have:

- torn, stained or bloody underwear
- trouble walking or sitting
- pain or itching in genital area
- a sexually transmitted disease

A child experiencing sexual abuse may:

- have unusual knowledge of sex or act seductively
- fear a particular person
- seem withdrawn or depressed
- gain or lose weight suddenly
- shy away from physical contact
- run away from home

Signs of Neglect

The child may have:

- unattended medical needs
- little or no supervision at home
- poor hygiene
- appear underweight

A child experiencing neglect may:

- be frequently tired or hungry
- steal food
- appear overly needy for adult attention

Look for the Patterns

Serious abuse usually involves a combination of factors. While a single sign may not be significant, a pattern of physical or behavioral signs is a serious indicator and should be reported.

If a child tells YOU about abuse:

- Be a good listener. Show that you understand and believe what the child tells you. Encourage, but don't pressure him/her to talk. Ask open ended questions.
- Be supportive. Tell the child he/she did the right thing by coming to you. Stress that he/she is not to blame. Let the child know that you want to help.
- Don't overreact. This can frighten the child or prevent him/her from telling you more. Do not talk negatively about the suspected abuser in front of the child.
- Document and report it. Document your conversation as soon as you can. If possible, write down the child's exact words.
- Don't delay. Never assume someone else will report the abuse. The sooner it's reported, the sooner the child and their family can be helped.

WHO MUST REPORT ABUSE?

Any/All School Personnel

Call 1-800-96-ABUSE

or

Report it online at:

<http://www.dcf.state.fl.us/abuse/report/>

SECTION: **FOUR**

COMPLIANCE STANDARDS

What Are The Three Reasons Private Schools Should Comply With All Requirements of Senate Bill 1712?

1. The DOE will be developing a notarized certification document to verify compliance for the 2008-2009 school year. This certification must be returned to DOE by 12/01/08
2. The DOE shall immediately suspend the payment of scholarship funds to a participating private school that knowingly fails to comply with these requirements. The DOE is required at that point to prohibit the school from enrolling new scholarship students for ONE fiscal year and until the school complies.

REASON # 3
THE BEST REASON!!!!

3. It is the Moral, Ethical, Professional,
&
RIGHT
Thing To Do!