

# Jupiter Christian School

## Ethics in Education Policy

### 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 §39.203
Florida Statute §1002.39	Florida Statute §768.095
Florida Statute §1002.41	Florida Statute §1001.10(5)
Florida Statute §1012.01	Florida Statute §1012.315
Florida Statute §1012.315	Florida Statute §943.0542

### DEFINITIONS:

- 1) "Staff with direct student contact" means any employee, volunteer, or contracted personnel, who has 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.

### NON-DISCRIMINATION CLAUSE:

As a religious entity, Jupiter Christian School is legally permitted to make enrollment and employment decisions based upon religious criteria, including doctrinal and lifestyle issues. It is the policy of Jupiter Christian School to employ persons who subscribe without reservation to Jupiter Christian School's Statement of Faith and Standards of Conduct and who are living out these doctrines and standards in all areas of their lives, both at and away from ministry/school functions. Jupiter Christian School does not discriminate in employment on the basis of race, color, sex (as determined at birth and not subject to change), national origin, age, disability, or any other characteristic protected by law.

### DUTY TO REPORT EDUCATOR MISCONDUCT:

As a condition of employment, all administrators, teachers, and staff have a mandatory obligation and duty to report any misconduct by an employee that affects the health, safety, or welfare of a student.

**PROCEEDURE TO REPORT:**

Any suspected misconduct by instructional personnel or staff must be immediately reported to the school president. If the misconduct is by the school president then the report should be given to the Chairman of the Board.

All staff members with direct student contact will undergo training on the Ethics in Education Act. This training includes the duty to report and procedures for reporting, alleged employee or administrator misconduct that affects the health, safety, or welfare of a student. It also includes mandatory reporting procedures for suspected child abuse. They will also be trained and receive explanation of the employee liability protections under ss. 39.203 and 768.095, F.S.

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.

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.

**EMPLOYMENT SCREENING:** All teachers, whether paid or volunteer, will hold baccalaureate or higher degrees, have at least three (3) years of teaching experience in public or private schools, 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 Florida Statute §943.0542, by electronically 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 Florida Statute §435.04. Results of the screening shall become property of Jupiter Christian 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) 5 years. Upon notification that a staff member has failed the background screening, the staff member will be immediately dismissed.

All potential staff members who will have direct student contact will provide past employer references as a part of their pre-employment 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 Jupiter Christian School.

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

- The Professional Practices' Database of Disciplinary Actions Against Educators; and
- The Department of Education's Teacher Certification Database described.

All findings will be documented and will become the property of Jupiter Christian 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.

- A. Any felony offense prohibited under any of the following Florida Statutes:
  1. Section 393.13 5, related 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, related to aggravated battery;
8. Section 784.075, related to battery on a detention or commitment facility staff member or a juvenile probation officer;
9. Section 787.01, related to kidnapping;
10. Section 787.02, related to false imprisonment;
11. Section 787.025, related 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 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. Section 794.05, relating to unlawful sexual activity with certain minors;
18. Section 794.08, relating to female genital mutilation;
19. Chapter 796, relating to prostitution;
20. Chapter 800, relating to lewdness and indecent exposure;
21. Section 806.01, relating to arson;
22. Section 810.14, relating to voyeurism.
23. Section 810.145 relating to video voyeurism;
24. Section 812.014(6), relating to coordinating the commission of theft in excess of \$3,000.00;
25. Section 812.0145, relating to theft from persons sixty-five (65) years of age or older;
26. Section 812.019, relating to dealing in stolen property;
27. Section 812.13, relating to robbery;
28. Section 812.131, relating to robbery by sudden snatching;
29. Section 812.133, relating to carjacking;
30. Section 812.135, relating to home-invasion robbery;
31. Section 817.563, relating to fraudulent sale of controlled substances;
32. Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult;
33. Section 825.103, relating to exploitation of an elderly person or disabled adult;
34. Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person;
35. Section 826.04, relating to incest;
36. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child;
37. Section 827.04, relating to contributing to the delinquency or dependency

- of a child;
  - 38. Section 827.01, relating to sexual performance by a child;
  - 39. Section 843.01, relating to resisting arrest with violence;
  - 40. Chapter 847, relating to obscenity;
  - 41. Section 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang;
  - 42. Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity;
  - 43. Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct;
  - 44. Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility;
  - 45. Section 985.70 1, relating to sexual misconduct in juvenile justice programs; and/or
  - 46. 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 787.1025, 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); and/or
  - 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 and individual for inclusion on the Registered Juvenile Sex Offender List under s. 943.0435(1)(a)1.d.

Jupiter Christian School understands that scholarship funding shall be suspended if Jupiter Christian School knowingly fails to comply with this subsection, and the Department of Education shall prohibit the Jupiter Christian School from enrolling new scholarship students, for (one) 1 fiscal year and until the school complies.

#### CODE OF ETHICAL CONDUCT FOR STAFF MEMBERS

Jupiter Christian School 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 to teach in a truly Christian environment. Jupiter Christian School'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. Jupiter Christian School 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, Jupiter Christian School 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 Jupiter Christian School's ethical standards for all

staff members. Violation of any of these standards shall subject the individual to discipline and/or dismissal.

1) Obligation to the student requires that the individual:

- a) Shall manifest by precept and example the highest Christian virtue and personal decorum, serving as a Christian Role Model both at and away from Jupiter Christian School, and as an example to all in judgment, dignity, respect and Christian living;
- b) 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;
- c) Shall not engage in personal relationships with students outside of the classroom that are inappropriate, familiar or of an immature manner.
- d) Shall not invite students to overnight outings, whether in teacher's homes or otherwise except children of faculty/staff are not precluded from inviting school friends over to their homes including overnight stays with their parents' permission;
- e) Shall not unreasonably restrain a student from independent action in pursuit of learning;
- f) Shall not intentionally expose a student to unnecessary embarrassment or disparagement;
- g) Shall not intentionally violate or deny a student's legal rights;
- h) Shall not harass any student;
- i) Shall not exploit a relationship with a student for personal gain or advantage; and
- j) Shall keep in confidence personally identifiable information obtained in the Course of professional service, unless disclosure serves professional purposes or is required by law.

2) Obligation to the public requires that the individual:

- a) Shall subscribe without reservation to the Statement of Faith and the Standards of Conduct of Jupiter Christian School and agree to abide by these doctrines and standards in all aspects of life, both at and away from school functions;
- b) 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;
- c) Shall maintain regular participation at a local Bible believing church.
- d) Shall not use institutional privileges for personal gain or advantage;
- e) Shall accept no gratuity, gift, or favor that might influence professional judgment; and f) Shall offer no gratuity, gift, or favor to obtain special advantages.

3) Obligation to the profession of education requires that the individual:

- a) Shall maintain honesty in all professional dealings;
- b) Shall remain loyal to the school leadership and the school's programs in word and in action;
- c) Shall agree to fulfill all duties and responsibilities of membership in a local Bible believing church, including but not limited to, financially giving and supporting all endeavors of the ministry,
- d) Shall not engage in harassment or discriminatory conduct contrary to Jupiter Christian School'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;
- e) Shall understand that homosexual conduct, defined as acts or identifying statements, is incompatible with employment at Jupiter Christian School and is a basis for dismissal;
- f) Shall not make malicious or intentionally false statements about a colleague;
- g) Shall not use coercive means or promise special treatment to influence professional judgments

of colleagues;

- h) Shall not misrepresent one's own professional qualifications;
- i) Shall not submit fraudulent information on any document in connection with professional activities;
- j) 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;
- k) Shall not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment;
- l) Shall not assist entry into or continuance in the profession of any person known to be unqualified in accordance with this Code of Ethics.
- m) Shall self-report within forty-eight (48) hours to appropriate authorities (as determined by the administration) 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 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 against the employee;

#### CONFIDENTIALITY AGREEMENTS:

Jupiter Christian School, 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.