



**CODE OF ETHICS**

## Ethics in Education Act

Senate Bill 1712 (Chapter Law 2008-108), the Ethics in Education Act, became effective July 1, 2008, and impacts certain operational procedures for private schools participating in the McKay and Corporate Tax Credit Scholarship Programs. Lincoln-Martí participates in these programs and, as a result, must comply with these requirements. Furthermore, the information presented herein is extremely important not only because of the legal requirements attached to it, but for the overall safety and well-being of children under our care and our fellow coworkers.

The Ethics in Education Act amends Section 1002.421, Florida Statutes, related to participating private school accountability, by adding new requirements to the employee screening process. **All instructional personnel and school administrators in a position that requires direct contact with students are subject to the new screening standards.** The private school accountability statute has also been amended to require private schools to develop standards of ethical conduct for the school's instructional personnel and administrators. Instructional personnel and school administrators are defined by Sections 1012.01(2) and (3), Florida Statutes.

Finally, the Act amends Section 1006.061, Florida Statutes, related to the state's child abuse, abandonment, and neglect policy. Private and charter schools are now required to comply with these policies.

## Code of Ethics

This code of ethics has been adapted from the Principles of Professional Conduct for the Education Profession in Florida. Every Lincoln-Marti employee is required, as a condition of employment, to adhere to the provisions of this code.

### **Ethical Principles**

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.

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.

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.**

The following disciplinary rule shall constitute the Principles of Professional Conduct for the Education Profession in Florida.

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 and, by extension, will disqualify the person from employment with Lincoln-Marti.

1. 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 immediately report any suspicion of abuse or neglect of a student to the State of Florida's child abuse hotline: 1-800-96-ABUSE (1-800-962-2873).
  - c. Shall not unreasonably restrain a student from independent action in pursuit of learning.
  - d. Shall not unreasonably deny a student access to diverse points of view.
  - e. Shall not intentionally suppress or distort subject matter relevant to a student's academic program.
  - 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 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.

- i. Shall not exploit a relationship with a student for personal gain or advantage.
  - 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 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.
3. 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 immediately report to one's direct supervisor any instance or incident involving alleged employee or administrator misconduct that affects the health, safety or welfare of a student. Please note that legally sufficient allegations of misconduct by Florida certified educators must be reported to the State of Florida Office of Professional Practices Services using the Educator Misconduct Reporting Form. The form is included as part of this booklet.
  - 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 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.
- m. 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.
- n. Shall self-report within forty-eight (48) hours to one's direct supervisor 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. In the case of sealed and expunged records disclosed under this rule, the School will comply with the confidentiality provisions of Sections 943.0585(4)(c) and 943.059(4)(c), Florida Statutes.
- o. 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.
- p. 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.
- q. Shall comply with the conditions of an order of the Education Practices Commission.
- r. Shall, as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

## CHILD ABUSE

### LOOK FOR THE SIGNS DIAL 1-800-96-ABUSE

In order to facilitate the identification of instances of child abuse or neglect, included herein are guidelines from the Florida Department of Children and Families.

#### 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

## CHILD ABUSE REPORTING REQUIREMENT

#### 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

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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?**

Doctors

Nurses

Social Workers

Police Officers

Child Care Workers

Any Witnesses

Any/All School Personnel

**Call or Report it online at: <http://www.dcf.state.fl.us/abuse/report/>**

Below is the text of Florida Statutes Chapter 39.203, which provides for immunity from liability for persons reporting in good faith any instance of child abuse, abandonment, or neglect as required by law. This, however, does not provide immunity to someone suspected of engaging in the prohibited conduct. The Statute also protects employees from being disciplined for reporting the prohibited conduct as required by law and establishes a civil cause of action for employees who are punished for carrying out their obligations under the law as part of this Statute.

**Florida Statutes Chapter 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.

## PROHIBITION AGAINST CONFIDENTIALITY AGREEMENTS

Lincoln-Marti is a participant in the McKay Scholarship Program and the Corporate Tax Scholarship Program, both of which are authorized by Florida Statutes and administered by the Florida Department of Education.

As a condition of its participation in these programs, Lincoln-Marti is prohibited from executing confidentiality agreements with instructional personnel or school administrators who are dismissed, terminated, or who resign in lieu of termination due to misconduct that affects the health, safety, or welfare of a student. As a result, if a potential employer contacts Lincoln-Marti in the future, any of the aforementioned scenarios will be disclosed as required by Florida Statutes.

Lincoln-Marti is protected from civil liability regarding the disclosure of this information under chapter 768.095 of Florida Statutes, which specifically provides that an employer who discloses information about a current or former employee to a prospective employer of that former or current employee is immune from civil liability. However, if clear and convincing evidence shows that the disclosure by Lincoln-Marti was known to be false or violated the civil rights or the former or current employee under chapter 760 of Florida Statutes, then that immunity does not apply.

The exact text of the Statute is shown below.

**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.

**RECEIPT OF CODE OF ETHICS AND  
ETHICS IN EDUCATION ACT INFORMATION**

This is to acknowledge that I have received a copy of the Lincoln-Martí Code of Ethics along with information related to the Ethics in Education Act. I understand that it sets forth certain terms and conditions of my employment as well as the duties, responsibilities and obligations of my employment with Lincoln-Martí. I understand and agree that it is my responsibility to read this document and to abide by the laws, policies, regulations and standards set forth herein.

I also acknowledge that this document has been explained to me and that I understand its provisions.

If I have questions regarding the content or interpretation of this Code of Ethics, I will bring them to the attention of the Principal.

\_\_\_\_\_  
NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE SIGNATURE

# Reporting Misconduct



All employees and agents of a public school district, charter school or private school have an obligation and legal responsibility to report misconduct by instructional personnel and school administrators which affects the health, safety or welfare of a student

Failure to report

- Obscene language
- Drug and alcohol use
- Disparaging comments
- Prejudice or bigotry
- Sexual innuendo
- Cheating or testing violations

**Maria Vasallo**  
Administrator  
(305) 643-4888, Ext. 267

# **EDUCATOR MISCONDUCT REPORTING FORM**

Office of Professional Practices Services

**REPORTER INFORMATION:**

\_\_\_ Public School \_\_\_ Charter School \_\_\_ Private School \_\_\_ FSDB \_\_\_ Lab School

**REPORTER CONTACT INFORMATION:**

School/District: \_\_\_\_\_

Contact Person Name and Title: \_\_\_\_\_

Contact Address and Telephone: \_\_\_\_\_

**INFORMATION REGARDING THE EDUCATOR BEING REPORTED**

EDUCATOR'S NAME \_\_\_\_\_

ADDRESS: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ WORK PHONE: \_\_\_\_\_ CELL PHONE: \_\_\_\_\_

SSN: \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_ DOE CERTIFICATE # \_\_\_\_\_

ASSIGNED SCHOOL: \_\_\_\_\_

POSITION: \_\_\_\_\_ SUBJECT/GRADE LEVEL: \_\_\_\_\_

YEARS EXPERIENCE: \_\_\_\_\_

CONTRACTUAL STATUS: \_\_\_\_\_

CURRENT EMPLOYMENT STATUS \_\_\_\_\_

**SUMMARY OF THE ALLEGATION:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Reporting Directions**

For questions, contact our office at 850.245.0438

**In addition to the reporting form, submissions to the Office of Professional Practices Services should include:**

1. All investigative materials, reports, evidence, documents or related materials (Examples include, victim or witness statements, arrest reports or court documents, newspaper articles, computer evidence, video or audio tapes, text messages or cell phone records, photographs, grade books or calendars, gifts/items, statements, arrest report(s), court documents, local investigative reports, termination or disciplinary documents, letter of resignation, district disciplinary action documents, DOAH Orders, and class rosters). **Do not send sanitized or redacted documents.**
2. The educator's current certification information and any applications processed or renewed at the local level
3. Name and contact information for all victims and witnesses (see and duplicate page two as necessary).

**Direct all correspondence via regular mail to:**

Florida Department of Education, Office of Professional Practices Services,  
325 West Gaines Street, Suite 224-E, Tallahassee, Florida 32399-0400

**EDUCATOR MISCONDUCT REPORTING FORM  
PAGE TWO**

**VICTIMS**

**Name:** \_\_\_\_\_ **Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**DOB:** \_\_\_\_\_ **DOB:** \_\_\_\_\_

**Current School:** \_\_\_\_\_ **Current School:** \_\_\_\_\_

**WITNESSES**

**Name:** \_\_\_\_\_ **Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**DOB:** \_\_\_\_\_ **DOB:** \_\_\_\_\_

**Current School:** \_\_\_\_\_ **Current School:** \_\_\_\_\_

**Name:** \_\_\_\_\_ **Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Address:** \_\_\_\_\_

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**DOB:** \_\_\_\_\_ **DOB:** \_\_\_\_\_

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