

KENDALL



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Ethics in Education & Reporting Policy

To be in compliance with the Florida Department of Education, Kendall Speech and Language Center, Inc is listing the following information concerning the polices of reporting ethical misconduct and reporting child abuse.

Statute Review:

Florida Statute s. 1006.061 states all employees and agents of the district of the school board, charter schools and private schools that accept scholarship students, have an obligation to report misconduct by an instructional personnel member or school administrator.

Florida Statute 768.095 states 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; and **Florida Statute 39.203** which states,

(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 a 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 a 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.

6B-1.001 Code of Ethics of the Education Profession in Florida.

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.

6B-1.006 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.

What behaviors may be indicative of misconduct that should be reported?

Some examples of behaviors that should be reported include, but are not limited to:

- using forceful or unnecessary physical contact with a student
- administering discipline not compliant with policy
- badgering or habitually teasing a student
- mocking or belittling a student
- displaying prejudice or bigotry against a student
- failing to adhere to the company's confidentiality policy
- suspicion of being under the influence of drugs or alcohol
- failing to properly supervise students or to ensure student safety
- directing or using profane, offensive or explosive language in the presence of students

Procedures For Reporting Misconduct

- Report allegations or suspicion of misconduct to either Center Director or Program Coordinator
 - If neither person is available, report to the office manager
- Situation will then be reported to the district contact
- Director/Program Coordinator/Office Manager will document the activities or details of the event
- Secure evidence where possible

Failure to Report Misconduct

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

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

Reporting Child Abuse

Mandatory Duty to Report. Florida Statute 39.201 requires any person, including but not limited to teachers or other school officials or personnel who knows, or has reasonable cause to suspect that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare to

report such knowledge or suspicion to the Department of Children and Families (DCF). Reporter confidentiality is protected by Section 39.202, Florida Statutes.

**The toll-free reporting hotline number is 1-800-96ABUSE
(1-800-962-2873)**

Liability. Failure to report is a misdemeanor of the first degree as described in Section 39.205, Florida Statutes. In addition, the Education Practices Commission may suspend or revoke your educator certificate for failure to report, in accordance with Section 1012.795, Florida Statutes. Any person reporting in good faith shall be immune from any civil or criminal liability, pursuant to section 39.203, Florida Statutes.

Protective Investigation. In addition, all employees and agents of the School Board have a duty to comply with child protective investigation and all other provisions of law relating to child abuse, abandonment and neglect.

Our regional manager for Region 5 is:

Michelle Lopez

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Employment with Next Step Inclusion Class

Any person desiring a Teacher position must complete and turn in an application.

- I. Qualifications
 - A. Must be of good moral character
 - B. Must have attained the age of eighteen (18) years

- II. Certificate Requirements – Each applicant for an instructional position shall hold a valid certificate or shall have a receipt from the Florida Department of Education acknowledging that an application has been filed and that issuance of the certificate is pending.
 - A. To be considered for a position, an applicant shall be duly qualified for that position in accordance with State Law, regulations of the Florida Department of Education, and the approved job description.
 - B. Any person not holding a valid Florida certificate at the time of employment shall be required to submit an application to the Florida Department of Education for such a certificate. When such a certificate is received, it must be filed with the Office Manager. If the Department of Education declines to issue a certificate, the person's employment is subject to immediate termination. Failure to file a certificate with the Office Manager, except for good cause as determined by the Director, shall result in possible immediate termination.

- III. Fingerprints
 - A. Any offer of employment with the private school program at Kendall Speech and Language Center, Inc. is conditioned on submission of fingerprints as required by Florida Statute and a background investigation.

After a job offer, but prior to beginning employment with Kendall Speech and Language Center, Inc., all candidates for all positions must undergo a criminal and employment background check to determine suitability for employment. The application for employment shall inform applicants they are subject to criminal background checks, and advise applicants that failure to be truthful on the application about prior criminal history will be grounds for ineligibility or dismissal from employment.

- B. As a condition of employment and prior to beginning work, an applicant who has received a conditional job offer must file a complete set of fingerprints taken by an authorized law enforcement officer or an employee of the District trained to take fingerprints. The fingerprints shall be processed by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). The applicant shall be required to pay for full costs of processing at the time of fingerprinting.
- C. The human resources manager shall conduct employment history checks of applicants for instructional, administrative or any other positions requiring direct contact with students. The employment history check shall include, but not be limited to, screening through the use of educator screening tools described in law and contact with each previous employer. All findings shall be documented. If Human Resources is unable to contact a previous employer, he/she shall document all efforts to contact the previous employer.
- D. No applicant who has received a conditional job offer shall begin work before his/her fingerprints are processed, the criminal and pre-employment investigation is completed, and a determination is rendered as to suitability for employment.
- E. Based upon the facts of an application, criminal background check or other valid or reliable data sources, applicants who are, or have been convicted of certain serious offenses may be denied employment by the School District. As used in this section the term conviction is defined as a finding of guilt, a plea of guilty, or a plea of *nolo contendere*, or a verdict of guilty. The withholding of adjudication or the entry of an order sealing or expunging the record requiring a pre-trial intervention or pre-trial diversion shall not be considered an exception to this section. Other information derived from the pre-employment investigation, which indicates the applicant may not be suitable for employment by the School District, may be grounds for denying employment to an applicant.
- F. An applicant shall be disqualified from employment in any position requiring direct contact with students if he/she is ineligible for employment under 1012.315, F.S.

IV. Current Employees

- A. Whenever a personnel investigation of a complaint against an employee is required, a criminal background check may be conducted as part of the investigation.
- B. If it is discovered during the period of employment that a regular employee has a prior criminal record and that the employee was requested to provide this information at the time of hire, but did not do so, the employee may be subject to disciplinary action, including dismissal for submitting false information on the employment application, or otherwise having misled the company.

- C. If it is discovered during the period of employment that an employee has a prior criminal record and no falsification of an application nor attempt to mislead occurred, the record shall be reviewed by the administration and human resources. They shall consider all information, including any mitigating conditions, and report findings of fact, possible mitigating circumstances and recommendations for action to the owner. The employee shall have the opportunity to respond in writing to the findings and recommendation. The owner shall review the record, recommendation and response before taking appropriate action.
 - D. Instructional personnel and noninstructional or contractual personnel who have direct contact with students or have access to or control of school funds must meet the screening requirements described in law every five (5) years. Personnel whose fingerprints have not been maintained by the Department of Law Enforcement are required to be re-fingerprinted.
 - E. An employee whose criminal record after employment would disqualify him/her from employment shall be subject to disciplinary action up to and including termination.
- V. Acceptance of Appointment
- A. Failure to signify acceptance of appointment within ten (10) days after receipt of the official notice of appointment shall be considered a rejection of the offer and the position shall be declared vacant.

Employment Policies

In addition to the Kendall Speech and Language Center, Inc. standard Employee Handbook, the following policies are in effect for all instructional and noninstructional personnel who come in regular contact with students enrolled in the Next Step Kindergarten class.

- I. Discrimination Prohibited
 - a. All employees shall abide by our policy on prohibiting discrimination. No person shall, on the basis of race, color, religion, gender, age, marital status, disability, political or religious beliefs, national or ethnic origin, or sexual orientation, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this school district, except as provided by law.
- II. Confidentiality Agreement Prohibited
 - a. In accordance with section 1001.42(6), Florida Statutes, neither Kendall Speech and Language Center, Inc. nor any employee thereof, ay enter into a confidentiality agreement, written or verbal, with an instructional personnel or school administrator who resigns, is terminated, or resigns in lieu of termination due to allegations, in whole or in part, of misconduct related to the health safety or welfare of a student. Any part of an agreement that has the purpose or effect of concealing misconduct which affects the healthy, safety or welfare of a student is void and contrary to public policy and shall not be enforced.
- III. Reference Checks

- a. In accordance with section 1001.42(6), Florida Statutes, neither Kendall Speech and Language Center, Inc. nor any employee thereof may provide instructional personnel or school administrators with employment references or discuss their performance with prospective employers from another educational setting without also disclosing the personnel's or administrator's misconduct.
- b. In accordance with Section 768.095, Florida Statutes, an employer who discloses information about a 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 rights of the former or current employee protected under chapter 760, Florida Statutes.

IV. Training Required

- a. All instructional personnel and school administrators must engage in annual training on the standards of ethical conduct and the policy for reporting misconduct. Training may be provided or conducted as determined appropriate by the district, but as a minimum must include examples of violations of the Code of Ethics and Principles of Professional Conduct and potential penalties, information on how to properly identify and report child abuse or neglect, procedures on how to report misconduct of other instructional personnel and school administrators, requirements of self-reporting charges, the nature and consequences of disqualifying offenses, the importance of being a role model and the fiduciary responsibility of being an educator

V. Violations of standards

- a. Any violation of these standards of conduct may result in the information being reported to the Office of Professional Practices Services for investigation to determine if disciplinary action should be taken against an educator's Florida Educator Certificate.