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Professional Misconduct Reporting

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1. **Mandatory Reporting.** District personnel shall report to the Department of Human Resources any complaint against a member of the District instructional or administrative staff alleging one of the grounds for discipline listed in Florida Statute 1012.795. It provides that a member of the instructional or administrative staff is subject to discipline if he or she:
 - (a) Has obtained or attempted to obtain an educator certificate by fraudulent means.
 - (b) Knowingly failed to report actual or suspected child abuse as required in Florida Statute 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as required in Florida Statute 1012.796.
 - (c) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school.
 - (c) Has been guilty of gross immorality or an act involving moral turpitude as defined by State Board of Education Rule, including engaging in or soliciting sexual, romantic or lewd conduct with a student or minor.
 - (e) Has had an educator certificate or other professional license sanctioned by this or any other state or has had the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including a denial of certification or licensure, by the licensing or certifying authority of any jurisdiction, including its agencies and subdivisions. The licensing or certifying authority's acceptance of a relinquishment, stipulation, consent order, or other settlement offered in response to or in anticipation of the filing of charges against the licensee or certificateholder shall be construed as action against the license or certificate. For purposes of this rule, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.
 - (f) Has been convicted of, has had adjudication withheld for, or has pled guilty or nolo contendere to a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation.

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- (g) Upon investigation, has been found guilty of other personal misconduct which seriously reduces that person's effectiveness as an employee of the District.
- (h) Has breached his or her contract by leaving his or her position without first being released by the District, as provided in Florida Statutes 1012.33(2) and 1012.335(3).
- (i) Has been the subject of a court order directing the Education Practices Commission to suspend the certificate as a result of noncompliance with a child support order, a subpoena, an order to show cause or a written agreement with the Department of Revenue.
- (j) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.
- (k) Has violated any order of the Education Practices Commission.
- (l) Has been the subject of a court order or plea agreement in any jurisdiction which requires the certificateholder to surrender or otherwise relinquish his or her educator's certificate. A surrender or relinquishment shall be for permanent revocation of the certificate. A person may not surrender or otherwise relinquish his or her certificate prior to a finding of probable cause by the commissioner as provided in Florida Statute 1012.796.
- (m) Has been disqualified from educator certification under Florida Statute 1012.315.
- (n) Has committed a third recruiting offense as determined by the Florida High School Athletic Association (FHSAA) pursuant to Florida Statute 1006.20(2)(b).
- (o) Has violated test security as provided in Florida Statute 1008.24.
- (p) Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.
- (q) Has committed any other act or omission listed in Florida Statute 1012.795.

2. **Review.** The Department of Human Resources shall promptly review the complaint. If the complaint is legally sufficient to allege that a violation has occurred as provided in Florida Statute 1012.795, the Human Resources Department and the Superintendent shall file a written report with the

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Department of Education Office of Professional Practices, which report shall include all relevant information developed in the investigation. Such report shall be filed within 30 days after the District becomes aware of the subject matter.

3. Other Personnel. Adjunct athletic coaches and instructional contractors who are required by contract or law to hold education certification under Florida Statute 1012.795 are subject to this rule.
4. Superintendent's Responsibility. The Superintendent is responsible for reporting to the appropriate law enforcement agency reports of misconduct against a District employee or contractor that would result in disqualification from educator certification under Florida Statute 1012.795 or employment under Florida Statute 1012.315.
5. Complaints Against Other Employees and Staff. This rule applies only to those employees and staff subject to discipline by the Education Practices Commission.
6. Termination of Employment. Reporting under this rule is still required if an employee or staff member's employment is terminated (by resignation or otherwise) before or during the reporting process. The District shall notify the Office of Professional Practices of any such employee or staff member's termination while the investigation is pending.

STATUTORY AUTHORITY: **1001.41, 1001.42, 1012.22, F.S.**

LAWS IMPLEMENTED: **1012.795, 1012.796, F.S.**

HISTORY: **Adopted: 07/01/08**
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