

Contact Person

Name: Jerry W. Whitmore
Phone: 850/488-2481
Suncom: 278-2481
E-mail: whitmoj@mail.doe.state.fl.us
DPE: 02-04

MEMORANDUM

TO: District School Superintendents
Personnel Directors
Certification Directors

FROM: David C. Ashburn

DATE: August 10, 2001

SUBJECT: Educator Misconduct

In this past legislative session, a comprehensive bill, CS/CS/HB 1193, was signed into law that amended several statutes that govern alleged educator misconduct. Areas that relate to personnel matters in Section 231.262, Florida Statutes, are referenced below.

There was substantial rewording of Section 231.2627, Florida Statutes.

As of July 1, 2001, s. 231.262, F.S., reads in part as follows:

“...(1)(c) Each school district shall file in writing with the department all legally sufficient complaints within 30 days after the date on which subject matter of the complaint comes to the attention of the school district. The school district shall include all information relating to the complaint which is known to the school district at the time of filing. Each school district shall develop policies and procedures to comply with this reporting requirement. The district school board policies and procedures shall include appropriate penalties for all personnel of the district school board for nonreporting and procedures for promptly informing the superintendent of schools of each legally sufficient complaint. The superintendent of schools is charged with knowledge of these policies and procedures. If the superintendent of schools has knowledge of a legally sufficient complaint and does not report the complaint, or fails to enforce the policies and procedures of the district school board, and fails to comply with the requirements of this subsection, in addition to other actions against certificateholders authorized by law, the superintendent of schools shall be subject to penalties as specified in s. 230.33(13). ...”

Memorandum
August 10, 2001
Page Two

This revision establishes a requirement for superintendents to report legally sufficient complaints and the penalties for failure to do so. If complaints are not reported appropriately it could result in the loss of the superintendent's salary.

As of July 1, 2000, s. 231.262, F.S., reads in part as follows:

“...(5) When deemed necessary to protect the health, safety, and welfare of a minor student, the superintendent of schools in consultation with the school principal may, and upon the request of the Commissioner of Education shall, temporarily suspend a certificateholder's regularly assigned duties, with pay, and reassign the suspended certificateholder to a position that does not require direct contact with students in the district school system. Such suspension shall continue until the completion of the proceedings and the determination of sanctions, if any, pursuant to this section and s. 231.2615.”

This revision gives the Commissioner of Education authority to suspend educators with pay pending the investigation of allegations of misconduct.

This memorandum will be available at <http://www.firn.edu/doe/bin00061/home0061.htm>. If you have questions or need clarification, please do not hesitate to contact me or the person indicated on the previous page.

DA/jw