



FLORIDA DEPARTMENT OF  
**EDUCATION**  
fldoe.org

# Office of Professional Practices Services (PPS)

Florida Department of Education

Division of Public Schools

Educator Quality

Randy Kosec, Jr., Chief

# Division of Educator Quality

Bureau of Educator  
Certification (BEC)

Bureau of Educator  
Recruitment,  
Development &  
Retention (BERDR)

Bureau of  
Standards and  
Instructional  
Support (BSIS)

Just Read, Florida!  
(JRF)

Office of  
Professional  
Practices Services  
(PPS)

Department  
Liaison: Education  
Practices  
Commission (EPC)

*“Every Florida teacher and leader is prepared, developed, supported and supervised by educators who make teaching better.”*

*“Every day, in every classroom,  
every Florida student has access  
to a teacher that is as good as the  
BEST teacher you ever had.*

## What to expect?

- Today will give you a better understanding of who and what type of allegations should be reported to the Office of Professional Practices Services.
- What to include in your reporting packet, timely reporting, and how to avoid reporting errors will be discussed.
- This session will also help you build awareness and be proactive about supporting staff in understanding the recent cases and how to make good choices.

## § 1012.796, F.S.; Complaints Against Teachers and Administrators; procedures; penalties

- Requires the department to investigate legally sufficient complaints of educator misconduct
- Requires each school district to file in writing all legally sufficient complaints within **30** days of knowledge
- Requires each school district to provide unredacted documents to the department and all information known to the district
- Requires the complaint and all information obtained by the department shall be exempt from public record until conclusion of the investigation

## Legally Sufficient

“...ultimate facts which show a violation occurred as provided in s. 1012.795 and defined by rule of the State Board of Education...”

# What to report to PPS?

1.

- The person holds or has applied for:
  - temporary Florida educator certificate
  - professional Florida educator certificate
  - athletic coaching certificate

2

- The district's review substantiates all or part of the allegation

3

- The substantiated conduct supports a violation of s. 1012.795, F.S., or 6A-10.081, F.A.C.



## Who of the following should be reported?

- A first year teacher
- The cheerleading club sponsor
- A volunteer coach
- A retired teacher who occasionally substitutes
- A principal
- An intern
- A custodian
- A paraprofessional

S. 1012.795, F.S.  
&  
Rule 6A-10.081, F.A.C.

## **S. 1012.795, F.S. – Common Violations**

- (1)(a) – Obtained or attempted to obtain an educator certificate by fraudulent means.
- (1)(b) – Knowingly failed to report actual or suspected child abuse as required in s. 1006.061, F.S.
- (1)(f) - Has been convicted or found guilty 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.
- (1)(p) - Has violated test security as provided in s. 1008.24, F.S.

## Rule 6A-10.081, F.A.C. – Common Violations

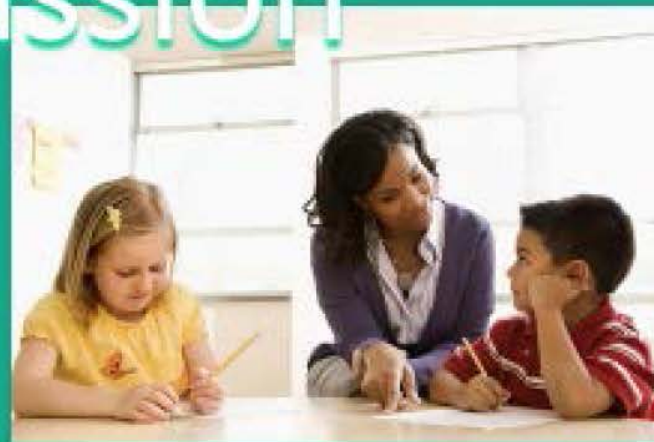
- (2)(a)1 - Shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
- (2)(a)5 - Shall not intentionally expose a student to unnecessary embarrassment or disparagement.
- (2)(b)3 - Shall not use institutional privileges for personal gain or advantage.
- (2)(b)4 - Shall accept no gratuity, gift, or favor that might influence professional judgment.

## Common Violations Continued

- (2)(c)1 - Shall maintain honesty in all professional dealings.
- (2)(c)8 - Shall not submit fraudulent information on any document in connection with professional activities.
- (2)(c)13 - 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.



# Discussion



## What to include in your reporting packet?

- Reporting Form
- Investigative Report
- Victim / Witness Statements
- District Action
- Class / Team / Field Trip Roster
- Evidence

## Evidence

- Photographs / Videos
- Communications
  - Emails
  - Text Messages
  - Letters / Cards
- Financial Records / Audits
- Documents
- Testing Information
- Reasonable Suspicion Observation Forms



# Ms. Boyd

- Ms. Boyd told her class to stand for the pledge.
- A 9 year old Hispanic student said “No” because it was against his beliefs.
- Ms. Boyd grabbed the student’s arm, said, “You’re an American and you’re supposed to salute the flag. If you don’t want to say the pledge, you should move to another country,” and forced him to recite the pledge.
- The student reported the incident to his mother, who contacted the Principal.

# Ms. Boyd

- The Commissioner of Education found Probable Cause to sanction her Florida Educator Certificate.
- Ms. Boyd was issued a letter of reprimand, placed on 2 years probation, required to take a 3 hour college level course in Cultural Sensitivity and \$750.00 fine.

# Mr. Smiley

- Mr. Smiley used the phone app KIK to send messages to a female high school student.
- The messages began with questions about school work.
- The student responded with friendly messages and emoji's.
- Then Mr. Smiley's commented, "Damn that ass looked good in dem' jeans today," and asked the student for a picture of her in a bikini.
- The student reported the picture request to the Principal.

# Mr. Smiley

- The Commissioner of Education found Probable Cause to sanction his Florida Educator Certificate.
- Mr. Smiley's Florida Educator Certificate was Permanently Revoked.

## Mr. Hudson:

- Mr. Hudson was a first year third grade teacher.
- Student Nick was constantly getting out of his seat and walking around the classroom.
- Mr. Hudson put masking tape on the floor and created a box around Nick's chair.
- Mr. Hudson told Nick they were playing a game and he had to stay inside the box to win.

# Mr. Hudson:

- Absolutely nothing!
- Mr. Hudson thought outside of the box and came up with a creative solution to resolve the issue.
- Had Mr. Hudson used the tape, to secure Nick into his chair, his Florida Educator Certificate would have been sanctioned.
- Mr. Hudson should not have been reported to PPS.

# Rule 6A-10.082, F.A.C.: Mandatory Reporting of Offenses Affecting the Health, Safety and Welfare of Florida Students

# Offenses to Report Under Rule 6A-10.082

## **(a) Felony offenses:**

1. Section 782.04, F.S., relating to murder.
2. Section 782.07, F.S., 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.
3. Section 787.01, F.S., relating to kidnapping.
4. Section 787.025, F.S., relating to luring or enticing a child.
5. Section 787.04(2), F.S., 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.



## Offenses Continued

- 6. Section 787.04(3), F.S., 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.
- 7. Section 794.011, F.S., relating to sexual battery.
- 8. Section 794.05, F.S., relating to unlawful sexual activity with certain minors.
- 9. Section 825.1025, F.S., relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.
- 10. Section 827.071, F.S., relating to sexual performance by a child.
- (b) Misdemeanor offense: Section 787.025, F.S., relating to luring or enticing a child.

# Where and What to Report

- Reports **MUST** be made with 24 hours of notice.
- Reports need to be submitted by email to:  
24hr.DistrictReporting@fldoe.org
- Reports must include the following:
  - (a) the name of the instructional or administrative staff person arrested, convicted, or implicated by a substantiated allegation of misconduct;
  - (b) the name of the institution where the person is or was employed;
  - (c) the date on which the school district became aware of the arrest, conviction, or substantiated allegation of misconduct;
  - (d) a description of any action taken by the district in response



**Questions?**



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## Contact information

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