

# Investigating Educator Misconduct



A resource for conducting  
administrative investigations related  
to misconduct in Florida public or  
private schools

Florida Department of Education  
Office of Professional Practices Services



# INVESTIGATIONS ARE:

➤ COMPREHENSIVE

➤ IN-DEPTH

➤ FACT FINDING ENDEAVORS



# Investigations involve:

- Reviewing & Evaluating Documents
- Obtaining Evidence
- Conducting Interviews

# Investigations result in:

- Analysis of the facts and evidence
- Comprehensive Report
- Determination / Conclusion

# s. 1012.796, Florida Statutes

- Provides authority to the Department of Education to investigate allegations of misconduct by certified educators.
- Requires Florida public schools/districts, charter schools and private schools that accept scholarship funds and the Florida School for the Deaf and Blind to report legally sufficient allegations of misconduct by certified educators to the Department of Education.

# s.1006.061, Florida Statutes

- Requires each school site to post in a prominent place and on the school's internet website, the policies and procedures for reporting alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional personnel or school administrators.

# Confidentiality



➤ S.1012.31(3)(a)(1)

*(public school districts)*

*Any complaint against an employee shall be confidential and exempt from the provisions of s.119.071(1) until the conclusion of the preliminary investigation or until such time as the preliminary investigation ceases to be active.*

➤ S.1012.796(4)

*(Department of Education)*

*The complaint and all information obtained pursuant to the investigation by the Department shall be confidential and exempt from the provisions of s.119.07(1) until the conclusion of the preliminary investigation or until such time as the preliminary investigation ceases to be active.*

# First Things First

- Know and follow your school or district's policies for investigating and reporting misconduct
  - Make all appropriate contacts or notifications
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Ensure student safety

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Take all allegations seriously



# GOALS

- Acquire clean evidence to support facts
- Obtain as much evidence as possible
- Gain a clear view of what really happened
- Make good decisions with supportive facts



# Work it!

- Plan the investigation
- Begin timely
- Document
- Bring conclusion



# PLANNING

- Who will conduct the investigation
  - How will the investigation proceed
  - What information or evidence is needed
  - Who should be interviewed
  - What other agencies or entities are involved
  - What decisions need to be made
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# Act Immediately

- Take photographs of the scene or event
- Secure physical evidence
- Compile a list of potential witnesses
- Record known information about the event

# OBJECTIVITY

- The investigator must be an objective and impartial party.
    - Objective: dealing with facts or conditions as perceived without distortion by personal feelings, prejudice, or interpretations
    - Impartial: treating or affecting all equally
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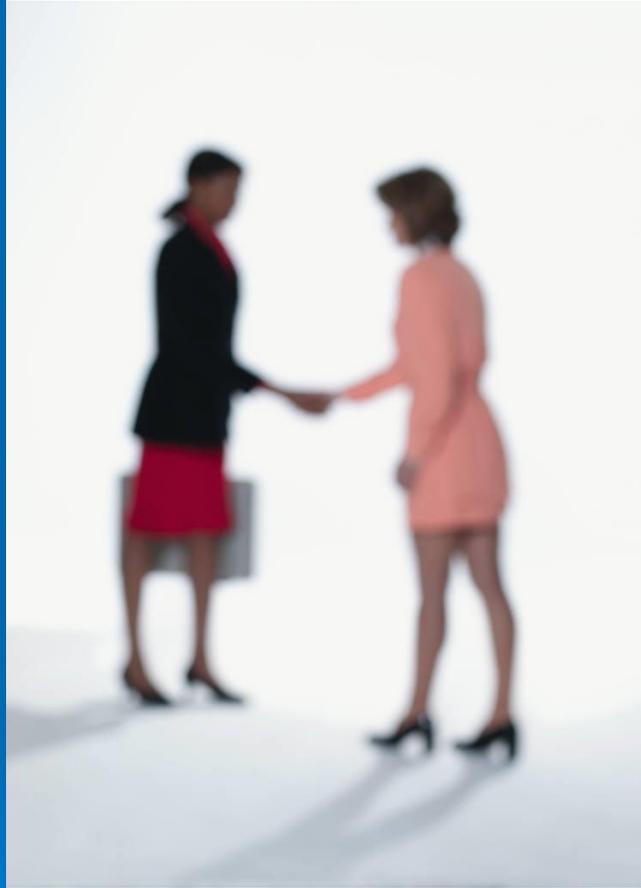
# Conducting an Interview

- Prepare initial questions
  - Interview witnesses first
  - Interview the educator/employee last
  - Interview each person individually
  - Control the environment
  - Establish a rapport
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# Control the environment...



# Establish Rapport



**When conducting an interview...**

**Don't be accusatory**

**Do not interrupt**

**Use reflective listening**

**Do not promise anything**

**Do not guarantee anything**

**Thank the interviewee for their time**



# Get the Facts:

**WHO** *did* **WHAT**

**WHEN**

**WHERE**

**WHY**

*and*

**HOW**



# Ask Questions

**Pose questions in a way that allows the witness to talk....** *Tell me what you remember about ...*

**Avoid yes or no / definitive response questions...**

*Were you in the classroom when Ms. Tillis grabbed John?*

*Instead Ask: Where were you on Friday?*

*What happened in class on Friday?*

**Avoid negative wording...**

*You don't remember when Ms. Tillis grabbed John, do you?*

*Instead Ask: So you were there when Ms. Tillis became upset with John. Tell me about what you saw.*

# Silence is Okay



...It may elicit a response...

# Body Language is Powerful

- Observe the body language of the person being interviewed
- Be aware of your own body language

Posture, Eye Contact, Facial Expressions, Gestures, Tone, Volume & Inflection of the voice

# Reiterate and Recap

- So, you recall the incident as....
  - Is there anything else you can recall that is important and will help determine what happened?
  - Is there any other information you want to share?
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# Example: Teacher suspected of being under the influence at school

- **Secure physical evidence:** alcoholic beverage, cup, bottle, pill bottle, baggie, etc.
- **Photograph the scene of the event:** condition of teacher or classroom, where evidence was found, car, desk, book bag/hand bag
- **Document what happened:** date & time, how you became aware, glassy eyes, slurred speech, unsteady gait, blood alcohol test or random drug screening results, etc.
- **Make a list of potential witnesses:** witnessed the teacher's conduct, who smelled the beverage, who administered the test, etc.
- **Conduct witness interviews**
- **Reduce facts to a comprehensive report**

# Example: Use of inappropriate discipline

- **Photograph the scene of the event or any injury - condition of classroom, injuries to victim, damage to property, location of the event...**
- **Secure physical evidence and document custody**
- **Document what happened – Who, What, When, Where and Why...date & time, who reported event to whom, who witnessed the event, was anyone injured, were medical services required, what precipitated the event**
- **Make a list of potential witnesses – anyone who witnessed the teacher's conduct or witnessed the student's conduct and any preceding or subsequent actions or activities**
- **Conduct witness interviews**
- **Research prior history**
- **Reduce facts to a comprehensive report**

# **If a Criminal Act has been committed**

- **Secure all evidence**
  - **Contact Law Enforcement**
  - **Document what has been done**
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# Child Abuse or Neglect

- All public and private school employees are mandated reporters
- Report to Department of Children & Families (DCF)
- Hotline 1-800-96-ABUSE
- If you know or suspect abuse or neglect of a child, **YOU** are the mandated reporter

# Report legally sufficient allegations of misconduct by certified educators to the Office of Professional Practices Services (PPS)



# Legally Sufficient

- Misconduct is supported by evidence as being true
- Violates s.1012.795, Florida Statutes
- Violates 6B-1.001 or 6B-1.006, FAC
- Educator holds a valid Florida Educator Certificate or application for a Florida Educator Certificate

# Do not report employment matters to Professional Practices (PPS)

- Excessive tardiness or absences
- Failure to turn in lesson plans
- Mental health issues that do not adversely affect student welfare
- Violation of local school or district policies
- Minor infractions such as yelling or impatience
- Physical guidance or direction of a student in a reasonable fashion

# Report legally sufficient misconduct to PPS

- Within **30 days** of knowledge of the event
- Include all information known at the time
- Provide updates as appropriate
- State investigators may visit your school and interview victims and witnesses
- Schools and districts have an obligation to cooperate with a state investigation
- Be prepared to facilitate, but not participate, in a state investigation

# Resources

[www.myfloridateacher.com](http://www.myfloridateacher.com)



# CONTACT INFORMATION

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