

CHAPTER 6.00 – HUMAN RESOURCES

REPORT OF MISCONDUCT

6.29*

The School District of Sarasota County, Florida ("School District") shall adhere to all requirements related to employee misconduct that affects the health, safety or welfare of a student.

I. Mandatory Reporting of Misconduct

- A. It is the duty of all employees to report to the Superintendent alleged misconduct by any school board employee that affects the health, safety or welfare of a student that would be including but not limited to lewd or sexual conduct, a relationship of a sexual nature in violation of Section 800.101, F.S. relating to offenses against students by authority figures, or that would be a disqualifying criminal offense under Section 1012.315, F.S. or any allegation of sexual or romantic misconduct with a student. Failure of an employee to report such misconduct shall result in disciplinary action. Further, an employee who knowingly or willfully fails to do so, or who knowingly or willfully prevents another person from doing so, commits a misdemeanor of the first degree. An employee who knowingly or willfully coerces or threatens another person with the intent to alter his or her testimony or written report regarding a violation of Section 800.101, F.S. commits a misdemeanor of the first degree.

- B. Educational support employees, instructional personnel and school administrators shall report alleged misconduct of other educational support employees, instructional personnel or school administrators who engage in or solicit a student for sexual, romantic, or lewd conduct.

- C. If the prohibited conduct occurs while employed by the School District, the School Board and Superintendent must report the employees or personnel and the disqualifying circumstances to the Florida Department of Education for inclusion on the disqualification list maintained by the department pursuant to Section 1001.10(4)(b), F.S.

- D. A law enforcement agency shall, within 48 hours, notify the district school superintendent when its employee is arrested for a felony or a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance. Within 24 hours after such notification, the school principal or designee shall notify parents of enrolled students who had direct contact with the employee and include, at a minimum, the name and specific charges against the employee.

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II. Investigation

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The Superintendent shall immediately investigate any allegation of misconduct by an employee that affects the health, safety or welfare of a student regardless of whether the person resigned or was terminated before the conclusion of the investigation. The Superintendent shall notify the department of the result of the investigation and whether the misconduct warranted termination, regardless of whether the person resigned or was terminated before the conclusion of the investigation.

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- A. An employee who is alleged to have committed such misconduct shall be reassigned to a position not requiring direct contact with students pending the outcome of the investigation.
- B. Information related to the alleged misconduct shall be considered confidential until the investigation is concluded with a finding to proceed or not to proceed with disciplinary action or charges and the subject of the complaint has been notified of the finding.
- C. The Superintendent shall report alleged misconduct to the Department of Education as required by Florida Statutes. The Superintendent shall report alleged misconduct of educational support employees, instructional personnel or school administrator who engage in conduct that would be considered disqualifying pursuant to Section 1012.315, F.S. or any allegation of sexual misconduct with a student. Failure to report such conduct to the department or law enforcement forfeits the Superintendent's salary for up to one year.
- D. The Superintendent, or his/her designee, shall notify the parents of a student affected by an educator's violation of the School District's standards of ethical conduct. This notice must be provided to the parent within thirty (30) days of knowledge of the incident and inform the parent of:
 - 1. The nature of the misconduct;
 - 2. If the School District reported the misconduct to the Florida Department of Education in accordance with Section 1012.796, F.S.;
 - 3. The sanctions imposed against the employee, if any; and
 - 4. The support the School District will make available to the student in response to the employee's misconduct.

III. Legally Sufficient Complaint

The Superintendent shall file any legally sufficient complaint with the Florida Department of Education within thirty (30) days after the date the School District became aware of the subject matter of the complaint. A complaint is considered to be legally sufficient if it contains ultimate facts that show that an instructional or administrative employee has committed a violation as provided in Section 1012.795, F.S. and defined by State Board of Education rule.

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IV. Resignation or Retirement in Lieu of Termination

If the Superintendent determines that misconduct by an educational support employee, instructional staff member or an administrator who holds a certificate issued by the Florida Department of Education affects the health, safety, or welfare of a student and the misconduct warrants termination, the staff member may resign or be terminated, and the Superintendent shall report the misconduct to the Department of Education as required.

V. Employment Reference

The Board, Superintendent, or any other representative of the School District shall not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional personnel or school administrators, or educational support, instructional personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide an employment reference or discuss the performance of an employee with a prospective employer in an educational setting without disclosing the person's misconduct that affected the health, safety or welfare of a student. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support, instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

VI. Notification

The policies and procedures for reporting alleged misconduct by employees that affects the health, safety or welfare of a student shall be posted in a prominent place at each school and on each school's website. The notice shall include the name of the person to whom the report is made and the consequences for misconduct.

VII. Protection from Liability

- A. Any individual who reports in good faith any act of child abuse, abandonment or neglect to the Department of Children and Family Services or any law enforcement agency shall be immune from any civil or criminal liability that might result from such action.
- B. An employer who discloses information about a current or former employee to a prospective employer, at the employee's request or at the prospective employer's request, shall be immune from civil liability for such disclosure as provided by Florida Statute.

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VIII. False or Incorrect Report

The Superintendent, a board member or any School District official shall not sign and/or transmit any report regarding employee misconduct to a state official that he/she knows to be false or incorrect. An individual who knowingly makes a false or incorrect report shall be subject to disciplinary action as prescribed by Florida Statute.

STATUTORY AUTHORITY: 1001.41(2), 1001.42(6), 1001.43(11),
F.S.

LAW(S) IMPLEMENTED: 39.203, 112.313, 119.071, 768.095,
800.101, 1001.10, 1001.42(6)(7),
1006.061, 1012.01, 1012.22, 1012.27,
1012.315, 1012.795, 1012.796, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-10.081

NOTES: **ADOPTED:** 05/05/09
REVISION DATE(S): 04/15/14, 05/25/16, 12/10/18, 10/18/22
FORMERLY: NEW

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