Professionalism Through Integrity

The Code of Ethics
and Principles of Professional Conduct

Awareness Training

Bethel Christian Academy

January 28, 2010

Presented by Teachers for a New Era (TNE) Staff
♦ Participants will understand the three essential elements of the Code of Ethics for the education profession in Florida.

♦ Participants will be able to discuss their obligations to the student, the public, and the profession.

♦ Participants will understand the different roles of the Education Practices Commission, the Professional Practices Services Section, and the Department of Education.

♦ Participants will be able to describe “What to Expect”.

♦ Participants will be able to list appropriate steps to take:
  o during interactions with students,
  o during recordkeeping and accounting, and
  o while in the community.

♦ Participants will understand the higher moral standard to which they are held.

♦ Participants will be able to list activities that are not school-related that could lead to charges of ethical and conduct violations.

♦ Participants will be able to list violations that may lead to dismissal from district employment.

♦ Participants will be able to list violations that may lead to revocation or suspension of teaching certificates.

♦ Participants will be aware of Child Abuse law and Tort Liability.

http://www.fldoe.org/edstandards/resources_for_teachers.asp
Professionalism Through Integrity

Agenda

- Workshop Objectives
- The Code of Ethics
- Principles of Professional Conduct
- Operating Procedure Overview of the Education Professional Commission (EPC)
- What to Expect
- NEAT Process
- Types of cases involving suspension/revocation of certificate
- District Employment Dismissal
- Guidelines and Common Sense
- Adams and Tomerlin Cases
- Scenarios and outcomes
- Child Abuse Awareness and Tort liability awareness
- Closing remarks and questions

The Code of Ethics of
The Education Profession in Florida

The educator values:
- The worth and dignity of every person
- The pursuit of truth
- Devotion to excellence
- Acquisition of knowledge
- The nurture of democratic citizenship

The educator’s primary professional concern will always be for the student and the development of the student’s potential.

The educator strives to achieve and sustain the highest degree of ethical conduct.

State Board of Education Rule 6B-1.001, FAC
PRINCIPLES OF PROFESSIONAL CONDUCT

Obligations to the Student

The educator will:

~commit to academic openness, fairness, honesty, and objectivity to students and the learning material,
~avoid harassment of, embarrassment of, or discrimination against students.

Obligations to the Public

The educator will:

~distinguish between personal views and the views of the educational institution with which the educator is affiliated,
~refuse to accept gifts or favors which will influence professional judgment, and
~avoid using their professional position for personal gain or advantage.

Obligations to the Profession

The educator will:

~respect and be fair to colleagues,
~report alleged violations of state or local school board rules by other educators,
~avoid misrepresenting qualifications or assisting unqualified personnel to gain or continue employment in the profession, and
~self-report within 48 hours to appropriate authorities any arrests/charges involving the abuse of a child, the sale and/or possession of a controlled substance.
The Education Practices Commission (EPC) and the Department of Education (DOE) work together in much the same way as do the Circuit Court and the State Attorney's Office.

The DOE, through the Office of Professional Practices Services (PPS), is responsible for all investigations and prosecutions. Basically, any alleged misconduct is reported to the Commissioner of Education and is investigated by the PPS staff. An investigative report is compiled, reviewed by DOE General Counsel, and then sent to the Commissioner of Education, who is solely responsible for any further action. If the Commissioner finds that no probable cause exists, the case is dismissed. If probable cause is found, the Commissioner directs an administrative complaint be prepared and the matter be prosecuted. All materials relative to the investigation become public with the determination by the Commissioner of Education.

The Respondent may:

♦ Voluntarily surrender the teaching certificate for permanent revocation.
♦ Choose not to answer the complaint, in which case the Respondent is declared to be in default. The Commissioner's staff must prove a prima facie case before the Commission, which reaches a final decision at that time.
♦ Choose to contest the complaint, in which case the matter is sent to the Division of Administrative Hearings (DOAH) for a full evidentiary hearing before a hearing office. A Recommended order along with all pertinent documents is sent back to the Commission for final agency action.
♦ Choose to admit the allegations of material fact and request an informal hearing before the Commission in mitigation of any penalty which may be assessed.
♦ Choose to stipulate or reach a negotiated agreement which comes to the Commission for approval.

Prior to each hearing, the panel reads and familiarizes themselves with the cases. At each hearing, the panel will listen to the oral arguments of opposing counsel, consider the employee’s record, discuss exceptions to the recommended order, if any, and deliberate what penalty is to be assessed. In every instance outlined, except voluntary surrender, the Commission divides into hearing panels to render a final decision. All hearings are open to the public.
WHAT TO EXPECT

1. **If incompetency is charged, then the NEAT process is begun.**
   If the problem is not remediated, the educator receives unsatisfactory evaluations for two years and administration is moving to terminate the employee, then charges of incompetency are filed and the flow chart is followed.

2. **For all other ethical and conduct violations, the following flow chart is followed.**

   - Complaint is filed with Professional Practices Services Section
   - Investigation and informal conference with notice to educator
   - Report is prepared and reviewed
   - Either probable cause or no probable cause is recommended to the Commissioner
   - If no probable cause, case is closed, parties notified, and case becomes public information
   - If probable cause, Commissioner signs complaint, and notice is made and filed with Education Practices Commission (EPC)
   - Educator has 20 days to respond
     - request mitigation, or
     - contest allegations, or
     - negotiates agreement (settlement option) or
     - surrender certificate
     - no response leads to default
   - EPC hearings follow (except for surrender)
   - Education Practices Commission makes final order, which can be appealed to District Court
     - dismiss complaint
     - revoke certificate
     - letter of reprimand
     - fine up to $2,000 per count or offense
     - limit scope of practice
     - deny issuance of certificate or endorsement
     - conditional issuance of appropriate certification
     - probation
     - stipulation or settlement agreement
     - suspend certificate
N-E-A-T PROCESS

Section 1012.34 (3) (d), Florida Statutes, explains the N-E-A-T process:

<table>
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<tr>
<th>N = NOTICE</th>
<th>to the educator that deficiencies exist which may lead to disciplinary action if not corrected.</th>
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<td>E = EXPLANATION</td>
<td>of the deficiencies should be thorough and detailed in written form, and include suggestions for improvement.</td>
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<td>A = ASSISTANCE</td>
<td>must be provided to the educator by those responsible for evaluation and supervision of the educator. A practical plan for remediation of each deficiency noted must be developed. When possible, the educator should be included in the development of the plan to improve performance.</td>
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<tr>
<td>T = TIME</td>
<td>must be provided for correction of all deficiencies noted. The time allotted must be reasonable and commensurate with the volume of deficiencies listed so that the educator is provided a sincere opportunity to improve sufficiently to meet the expectations of those responsible for evaluation.</td>
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Conferences should be held with the educator:
Use clear, concise language to outline the deficiencies, the expectations, and the consequences involved with unsatisfactory performance.

Offer specific assistance:
Develop a list of suggested plans for performance improvement. Work with the educator to devise a plan for correction and set a time certain for reevaluation of performance.

Confirm the substance of conferences:
A letter or memorandum should be prepared following each conference confirming the topic, content, suggestions, interactions and resolutions with a copy to the educator.

Provide promised assistance:
Be prepared to document all assistance rendered, all improvement noted, and all deficiencies which have not been corrected or needs further attention.

Provide interim feedback:
Frequent conferences are preferred to facilitate feedback and optimum achievement of goals. At each conference, note improvements of specific deficiencies and no improvement of specific deficiencies. Follow up conferences with letters or memorandums containing the substance of each conference. Provide a copy to the educator.
# TYPES OF CASES INVOLVING SUSPENSION/REVOCATION OF CERTIFICATE

1. Assault/battery/rape
2. Breach of contract
3. Fraudulent certificate application
4. Drug abuse
5. Alcohol abuse
6. Misappropriation of school money/property (FTE, fraudulent sick leave, travel…)
7. Public assistance fraud (welfare, food stamps…)
8. Worthless checks
9. Shoplifting/petit theft
10. Illegal use of firearm/weapons
11. Improper use of corporal punishment
12. Incompetence
13. Grand theft/larceny (credit card, possession of stolen property…)
14. Manslaughter
15. Miscellaneous felony (burglary, robbery, arson, counterfeiting…)
16. Miscellaneous misdemeanors (trespassing, loitering, prowling, violation of probation…)
17. Reduction of effectiveness
   A. Altering student grades, records, FTE records; test answers to students
   B. Alcohol or other drugs to/with students
   C. Absent without leave, fraudulent leave records
   D. Miscellaneous misconduct in office leading to reduction of effectiveness
18. Revocation/suspension of certificate in other states
19. Sexual misconduct:
   A. Heterosexual romantic
      (hugs, kisses, comments)
   B. Heterosexual lewd & lascivious with minors
      (fondling, proposition)
   C. Heterosexual battery
      (intercourse, oral sex)
   D. Homosexual lewd & lascivious with minors
   E. Adult sexual misconduct
      (exposure, solicitation for sex, sexual harassment of employees)
DISTRICT EMPLOYMENT DISMISSAL

Section 1012.33(1) (a) and (4) (c), Florida Statutes, describes the circumstances for “just cause” dismissal from district employment and suspension or dismissal.

(1)(a) JUST CAUSE FOR DISMISSAL FROM DISTRICT EMPLOYMENT
Includes but is not limited to:
- Misconduct on office
- Incompetency
- Gross insubordination
- Willful neglect of duty
- Conviction of a crime involving moral turpitude

(4)(c) AND INCLUDES IN ADDITION:
- Immorality
- Drunkenness

SUSPENSION/REVOCATION OF CERTIFICATE

Section 1012.795(1), Florida Statutes, describes causes for disciplinary actions taken against an educator’s certificate.

SUSPENSION/REVOCATION OF CERTIFICATES
- Fraudulent Certificate
- Incompetency
- Committed an act of moral turpitude
- Guilty of gross immorality
- Revocation, suspension or surrender of certificate in another state
- Conviction of a misdemeanor felony, or any other criminal charge other than a minor traffic violation
- Guilty of personal conduct which seriously reduces effectiveness as an employee of the school board
- Breach of local contract
- Violation of The Principles of Professional Conduct for The Education Profession in Florida
GUIDELINES AND COMMON SENSE

The Code of Ethics for the Education Profession in Florida mandates you to value the worth and dignity of individuals, to place your primary concern for the development of each student's potential, and to strive to achieve and sustain the highest degree of ethical conduct.

The Principles of Professional Conduct for the Education Profession in Florida obligate you to perform to standards of behavior dealing with STUDENTS, the PUBLIC, and the PROFESSION.

In addition to the more obvious actions (e.g. child abuse/molestation), you can also be charged with a crime of moral turpitude or gross immorality if you shoplift, drink on school grounds, or have multiple arrests for Driving Under the Influence (DUI), possess or sell drugs with or without student involvement, make comments of a sexual nature to students, fondle or touch students in an inappropriate manner, commit food stamp or public assistance fraud, commit assault, misuse school funds, or submit fraudulent transcripts. These are just a few examples.

As you can see, you are held to a high moral standard because of your role in educating children. You are held accountable for your private life as well as your public life.

Keep in mind that relatively few educators ever commit violations.

It is best to arm yourself with knowledge so that you do not advertently or inadvertently violate any standards and become one of the statistics.

Many problems educators have encountered could have been avoided if they used some common sense and rational judgment.
HOW TO USE COMMON SENSE AND PROFESSIONAL JUDGMENT TO AVOID LEGAL COMPLICATIONS IN TEACHING

Interaction with Students

1. Maintain a professional barrier between you and students. You are the adult, the teacher, and the professional; act like the expert not like another one of the "kids."

2. Keep the classroom door open when talking with students.

3. Refer students to the appropriate resource person for counseling and/or discussions about personal matters.

4. Do “NOT” flirt with students.

5. Do “NOT” discuss your personal life or personal matters with students. Do “NOT” discuss your husband, wife, girlfriend, boyfriend, or dates with students.

6. When transporting students, coordinate transportation ahead of time, and use school or mass transportation if possible. If necessary, call a taxi for the student. If you must transport a student in your vehicle, ask a co-worker to accompany you.

7. Avoid leaving your students unsupervised; have an alternate plan of action.

8. Keep hands and other parts of your body to yourself.

9. Use verbal praise and reinforcement.

10. Know your school policies and district and state laws governing corporal punishment. Establish and follow a consistent behavior plan. Treat each student with respect. Know the student's rights.

11. Chaperon only school-sponsored functions. Do “NOT” socialize with students. If you chaperon a field-trip, put in writing what your responsibilities will be. Do “NOT” drink alcoholic beverages in front of students. Do “NOT” take children home with you.

12. Do “NOT” make telephone calls or write notes of a personal nature to students.

13. Do “NOT” harass students; respect their differences. What you intend as humor may, in fact, be cultural bias or harassment.
Record Keeping and Accounting Procedures

1. Know the laws, school board policies, and school rules and follow them. Know your rights.

2. Know your school policies and district and state laws regarding collecting money, purchasing materials and equipment, and follow them. Work in pairs when collecting large amounts of money.

3. Establish a policy regarding your grading system consistent with school and district policies, where applicable. Give a written explanation of it to students and parents at the beginning of the year or when they begin your class or unit of instruction.

4. Establish a policy regarding your behavioral management system. Give a written explanation of it to students and parents at the beginning of the year or when they begin your class unit of instruction.

Reputation in the Community

1. Keep your co-workers and supervisors informed; work and communicate as a team; plan and teach together.

2. Communicate with parents and document your communication.

3. Dress and act appropriately and professionally. You are a role model in the community as well as in the school; be a good example for students.

4. Use common sense and good judgment. Ask yourself how someone else could perceive your comments or actions. Ask yourself if your comments or actions could be taken out of context and/or misinterpreted.

5. Avoid putting yourself in a position where you have to defend, explain, or justify your behavior or actions. Avoid putting yourself in a position where it's your word against another person's word.

6. Maintain a professional reputation in the community. When you "party," be discreet.
ADAMS AND TOMERLIN CASES

“By virtue of their leadership capacity, teachers are traditionally held to a high moral standard in a community.” Adams v. State Professional Practices Council, 406 So.2nd 1170 (Fla. 1st DCA 1981).

“A school teacher holds a position of great trust. We entrust the custody of our children to the teacher. We look to the teacher to educate and to prepare our children for their adult lives. To fulfill this trust, the teacher must be of good moral character; to require less would jeopardize the future lives of our children.” Tomerlin v. Dade County School Board, 318 So.2nd 159 (Fla 1st DCA 1975).