



# ADMINISTRATIVE AND CIVIL PROCEEDINGS AFFECTING SCHOOL BOARD EMPLOYEES

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# ADMINISTRATIVE PROCEEDINGS

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Code of Ethics  
Principles of Professional Conduct

Florida Administrative Code  
Regulation 6B-1.006



# Responsibilities as to Students

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- Protect students from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety
- Shall not intentionally expose a student to unnecessary embarrassment or disparagement
- Shall not exploit a relationship with a student for personal gain or advantage



# DOs AND DON'Ts RE: STUDENTS

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## DO

Be professional

Set an example

Report suspicious  
behavior

## DON'T

Touch

Act inappropriately

Email, Text, Call or  
Transport Students



# Responsibilities to the Public

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- Shall not use institutional privileges for personal gain or advantage
- Shall accept no gratuity, gift or favor that might influence professional judgment
- Shall offer no gratuity, gift or favor to obtain special advantages



# Responsibilities to the Profession

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- Maintain honesty in all professional dealings
- Shall not engage in harassment or discriminatory conduct
- Shall not make malicious or intentionally false statements
- Shall not submit fraudulent information on any document
- Shall self-report arrests or charges for child abuse or sale/possession of controlled substances



# DOs AND DON'Ts RE: COLLEAGUES

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## DO

Be professional

Report suspicious  
behavior

## DON'T

Touch

Act inappropriately

Send inappropriate  
emails, texts



# The Administrative Process

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- Investigation
- Professional Standards Committee
- If Probable Cause,
  - Pre-disciplinary Meeting
- Recommendation to Superintendent
- Recommendation to School Board





# Administrative Process (Continued)

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- If Employee's Rights Are Affected
  - Chapter 120 Hearing
  - Division of Administrative Hearings
  - Administrative Law Judge
    - Witnesses
    - Evidence
    - Argument



# Administrative Process (Continued)

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- Following Administrative Hearing
  - ALJ Makes “Recommended” Order
  - Both Parties May File Exceptions
    - Findings of Fact
    - Conclusions of Law
    - Recommendation
  - School Board Enters Final Order
  - Then Appellate Rights/Remedies



# Six Deadly Sins

## Grounds For Termination

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- Incompetence
  - Inefficiency
  - Incapacity
- Immorality
- Misconduct In Office
  - Violation of Ethics, Professional Conduct, Policies
- Gross Insubordination
- Drunkenness
- Crime of Moral Turpitude



# TORT CLAIMS AGAINST THE SCHOOL BOARD

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- Common questions by employees:
  - Can I be sued individually?
  - Will the School Board provide an attorney?
  - How else can I be involved?



# Employee Involvement

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- Sovereign Immunity
  - Generally bars claims against individual employees
  - Exceptions: intentional torts, civil rights, actions outside the scope of employment
  - School Board generally provides a defense unless one of these exceptions applies



# Employee Involvement

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- General Involvement of School Board Employees is as Fact Witnesses
  - Deposition
  - Trial Testimony
  - Documents/Files



# Common Claims

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- Negligent Security/Negligent Supervision
  - Includes Personal Injury Claims of All Kinds
  - Falls
  - Fights
  - Happens everywhere: cafeteria, hallways, playgrounds, classrooms, bathrooms
  - Keep eyes and ears open!



# Common Claims

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- Negligent Maintenance of Premises
  - Applies to students, faculty, parents, visitors, volunteers
  - Share what you see (School Board can't fix the problems if it is not on notice.)





# Common Claims

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- Violence Between Students
  - Share what you know
  - Don't keep things secret (Silence Hurts)
  - Ask questions
  - Pay attention to assignments, disturbing behavior, and report it appropriately

THE CONSEQUENCES CAN BE DEADLY



# Common Claims

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- Inappropriate Sexual Misconduct
  - Student/Student
  - Teacher/Student
  - Administration/Faculty
  - Volunteer/Student
  - Parent/Student
  - Every combination imaginable



# Questions or Comments?

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