

# I'VE BEEN CALLED IN FOR WHAT?!

by Ty Tison

It's a common scenario. The phone rings or someone just stops by. Maybe it comes via a whisper, a note, an email, phone or text, even though everything is going great in the job.

*"All of a sudden my Principal or someone else wants to talk to me in the office for some non-disclosed reason. I arrive expecting something good to happen or, worst case scenario, it's a parent complaining about Johnny's grade.*

*But I quickly come to the realization that it's much more than that. I am being asked about my conduct towards a particular student. Did I grab, shove, push, scratch or touch the student in any way? I try to explain, but it seems like my denial or otherwise innocent explanation is falling on deaf ears. It quickly turns much more serious when I am further questioned and advised that I am being sent home on administrative leave until further notice!*

*All of a sudden, my life is in shambles; not to mention I might soon be changed to non-paid status and possibly even terminated depending on how the 'investigation' turns out."*

This is the nightmare scenario that more teachers than you might think possible are confronted with every school year. I know this because I have been representing them in these situations for almost 15 years and it just seems to be getting worse.

They always tell me something along the lines of "I've been teaching for years. It is a profession I love and one to which I have committed so much. I love the kids, and that thrill I get when I see them really respond and get excited about truly learning! It's one of many reasons I went into teaching... so when can I get back to teaching my kids?" The answer, unfortunately, is complicated.

The purpose of this article is to help you understand, not only how an allegation of misconduct might be raised, but also the process of what happens after an allegation is made. Even if it is a FALSE allegation that you have, in

some way, shape or form, placed your hands on a student against his or her will, with no harm done at all. Or even if you inadvertently caused a child an injury or just a red mark or scratch.

The hope is that by understanding this process you will better protect yourself from any such allegations being brought against you, and if they are, you will know to not answer any questions of anyone without contacting your union rep and getting representation.

There are extensive laws, rules and policies in place which may differ by District throughout the State of Florida. But it all comes down to knowing that, if your physical actions are being called into question by anyone, you **MUST** seek clarification of the purpose of any questioning and seek representation and counsel **BEFORE** answering **ANY** questions!

Your entire career may literally be at stake, both on the local school district level and via your teaching certificate with the DOE. Also, an allegation can be as simple as an inappropriate touching as opposed to anything sexual or particularly forceful or resulting in injury.

The purpose of this article is to help you understand, not only how an allegation of misconduct might be raised, but also the process of what happens after an allegation is made.

Typically, when an allegation of any form, such as inappropriate touching is made by a student or parent, the Principal or another school Administrator is notified. Once the Administrator is notified, he or she



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will contact Professional Standards and they, in turn, will get a School District Investigator (SDI) involved.

There may be a School Resource Officer (SRO) or another officer not assigned to the school who may get involved. There will also likely be a Child Protection Investigator (CPI), either from DCF or the Sheriff's office. Lastly, there may actually be someone who identifies themselves as a Criminal Investigator, Detective, Deputy or other Law Enforcement Officer.

What's important to know when you are confronted with allegations about your physical conduct towards a child is that, whether you meet them or not, **ALL** of these people may potentially be involved behind the scenes and communicating with each other about the things you tell them.

You may be approached by a friendly Principal who really wants to help you, but has no control over what the other entities and people that are involved are doing. You may be asked to explain yourself by someone you have always considered a good friend or seems very likable and trustworthy.

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**MAKE NO MISTAKE** about it - it is a crime in the State of Florida for a teacher or administrator to fail to report child abuse, and what constitutes that as opposed to a simple non-consensual touching is a very fine line. Regardless, they are **BOTH** crimes and will possibly be investigated as such. They will also likely be investigated for purposes of employee discipline or licensing.

Each entity has a representative that approaches the investigation from their own angle and it is very difficult to be able to tell the difference between them. Just know that sometimes the wolf comes in sheep's clothing! Some come in the interests of the child, some in the interest of criminal prosecution, some in the interest of employee discipline; but **NONE** should be assumed to be acting in **YOUR INTEREST** other than your union rep! **KNOW** that they ALL will probably be working together in some capacity and that you are the **TARGET** of their investigation!

Recognize that there are no "off the record" conversations and, regard-

less of what they tell you or disclose as their purpose, whatever you tell them is admissible in a court of law and a disciplinary hearing to be used against you!

The bottom line is,  
when confronted  
with any allegation  
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conduct towards a  
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**BEFORE ANSWERING  
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Anyone knows that, when a Detective wearing a badge reads you your Miranda warnings, it's probably a good time to stop talking and get a lawyer. The problem is that any statements you make to that friendly and

helpful child investigator, principal, AP or other administrator is possibly **JUST** as admissible in a court of law or disciplinary hearing as is the statement to a law enforcement officer with badge and a gun interrogating you post Miranda under a bright light smoking a cigarette!

There is no difference as it relates to the end result and many teachers have lost or damaged their career based on a statement they made to administrators long before they ever refused to speak to an officer!

The bottom line is, when confronted with any allegation regarding your conduct towards a child, call your union rep and seek help **BEFORE ANSWERING ANY QUESTIONS REGARDLESS OF WHO IS ASKING THEM!**

It may save your job, your teaching certificate and your freedom from criminal prosecution or administrative discipline. You will also sleep a lot better and increase your chances of getting back to, and keeping, the job and kids you love so much!

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