

PROFESSIONAL ETHICS IN PRACTICE

WHY, WHEN AND HOW DO I REPORT EDUCATOR MISCONDUCT?

As chief administrative officers in Pennsylvania's public schools, you play a critical role in ensuring that the educators who serve in your schools are held to the highest ethical standards. Fostering an ethical climate within a school involves effective policies, productive in-services, good hiring practices, zero tolerance for professional misconduct, and a commitment to the profession at large.

The Professional Standards and Practices Commission, which is responsible for promoting professionalism through integrity and adjudicating educator misconduct, shares your commitment to the education profession and would like to take this opportunity to offer some specific reminders of your responsibilities as school leaders in the area of reporting educator misconduct.

The devastating impact of educator misconduct on students, schools and the community at large cannot be overstated. As a self-regulated profession, it is incumbent upon school leaders to understand their professional responsibilities to report misconduct and to be vigilant in fulfilling those responsibilities.

Please note that our focus in this publication is solely on your duties to report misconduct to the Department of Education under the Educator Discipline Act. Reporting to the Department does not relieve you of any other duty to report to either law enforcement and/or child protective services.

The Professional Standards and Practices Commission is an independent agency charged with advising the State Board of Education on issues related to educator preparation and certification and with adjudicating educator misconduct cases. In an effort to increase awareness of professional standards for educator conduct and the consequences of the breach of such standards, the Commission will be issuing periodic newsletters on issues of concern to the profession. We welcome your suggestions and comments.

Mandatory Reporting to Department of Education

Under the Educator Discipline Act, all **chief school administrators** are required to report within 15 days to the Department:

(1) Any educator who has been provided with notice of intent to dismiss or remove for cause, notice of nonrenewal for cause, notice of removal from eligibility lists for cause or notice of a determination not to reemploy for cause.

(2) Any educator who has been arrested or indicted for or convicted of any crime that is graded a misdemeanor or felony. For purposes of this section, the term conviction shall include a plea of guilty or nolo contendere.

(3) Any educator against whom allegations have been made that the educator has:

- (i) committed sexual abuse or exploitation involving a child or student; or
- (ii) engaged in sexual misconduct with a child or student.

(3.1) Information which constitutes reasonable cause to suspect that an educator has caused physical injury to a child or student as a result of negligence or malice.

(4) Any educator who has resigned, retired or otherwise separated from employment after a school entity has received information of alleged misconduct under this Act.

(5) Any educator who is the subject of a report filed by the school entity under the reporting requirements of 23 Pa.C.S. Ch. 63 (relating to child protective services).

(6) Any educator who the school entity knows to have been named as the perpetrator of an indicated or founded report of child abuse or named as an individual responsible for injury or abuse in an indicated or founded report for a school employe under 23 Pa.C.S. Ch. 63.

The *mandatory report form* can be accessed at: www.education.state.pa.us/mandatoryreport

All **educators** who know of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct are now required to file a mandatory report with the Department and shall report such misconduct to his or her chief school administrator and immediate supervisor.

Sexual Misconduct and Sexual Abuse or Exploitation

More than 50% of the cases seen by the Commission involve sexual misconduct or sexual abuse or exploitation. Sexual misconduct is defined as any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or a student regardless of the age of the child or student that is designed to establish a romantic or sexual relationship with the child or student. Such prohibited acts include, but are not limited to, the following: (1) sexual or romantic invitations; (2) dating or

soliciting dates; (3) engaging in sexualized or romantic dialogue; (4) making sexually suggestive comments; (5) self-disclosure or physical exposure of a sexual, romantic or erotic nature; or (6) any sexual, indecent, romantic or erotic contact with the child or student.

Sexual abuse or exploitation is defined in the Child Protective Services Act.

Discretionary Reporting to Department of Education

While mandatory reporting is more expansive under the 2014 amendments to the Educator Discipline Act, it is the Commission's belief, that as educational leaders your *ethical* responsibility to report misconduct extends beyond the specified mandated reports.

Specifically, whenever you believe that an educator under your supervision is involved in misconduct that implicates his or her fitness to serve children in the schools of Pennsylvania, you should report the misconduct to the Department on an *educator misconduct complaint form*: www.education.state.pa.us/educatorcomplaintform

Confidentiality Agreements

A chief school administrator cannot avoid their reporting responsibilities by entering into a confidentiality agreement, or any other agreement, that restricts their ability to report misconduct to the Department or other duties outlined in the Educator Discipline Act . It bears repeating that a chief school administrator who fails to file a mandatory report under section 9a of the Educator Discipline Act is subject to disciplinary action.

ADDITIONAL RESOURCES

The Commission provides general information concerning Pennsylvania's Code of Professional Practice and Conduct for Educators and educator discipline for schools and educators on its website:

http://www.portal.state.pa.us/portal/server.pt/community/professional_standards__practices_commission/8829

An unofficial copy of the *Educator Discipline Act* may be downloaded from the Commission's website:

http://www.portal.state.pa.us/portal/server.pt/community/professional_educator_discipline_act/19695

More information on recognizing, investigating and reporting misconduct can be found on the website of the Commission: www.education.state.pa.us/pspc. In addition, the Commission can work with your staff to offer in-service programs for teachers and/or administrators on educator discipline, the challenges posed by new technology and reporting responsibilities. For assistance or if you have any questions, please contact:

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