

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 newsletter is solely on your duties to report misconduct to the Department of Education. 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 PDE

Currently a chief school administrator of a public school, a charter school, intermediate unit or an area vocational-technical school is required by law to report to the Department of Education:

1. any educator who is dismissed for cause;
2. any educator who the administrator has reason to believe has engaged in sexual abuse/exploitation with a child or student or (b) has engaged in physical abuse of a child or student; and
3. any educator who has been indicted or convicted of a crime involving moral turpitude or a crime listed in section 111(e) of the Public School Code.

The *mandatory report form* can be accessed on the Commission's website.

While section 9a of the Professional Educator Discipline Act sets a reporting timeline generally of 30 days, we urge you to report the misconduct above immediately. As you know, dismissal proceedings are often prolonged and we ask you to consider reporting as soon as you furnish the statement of charges to the educator. Moreover, when the allegations involve sexual misconduct the urgency for timely reporting is heightened. Sexual misconduct is not limited to physical sexual contact, but also includes any conduct directed towards a child or student that is designed to establish a romantic or sexual relationship or to lead to sexual contact. Such conduct may take the form of verbal, written or electronic communications, sexualized dialogue, suggestive or other inappropriate comments, self-disclosure of a romantic or sexual nature, and dating or the solicitation of dates.

Discretionary Reporting to PDE

At this time, mandatory reporting is very limited in nature. It is the Commission's belief, however, that as chief school administrators your *ethical* responsibility to report misconduct extends beyond the three very specific 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*.

Separation From Employment And Confidentiality Agreements

There appears to be some confusion in the field about the impact of an educator's separation from employment on an administrator's duty to report misconduct. The

Commission wishes to make clear that the duty to file a mandatory report survives any separation from employment by the educator, including a voluntary resignation. In the event that an educator separates from employment prior to the culmination of a dismissal proceeding and the alleged misconduct does not fit within either of the other mandatory reporting subcategories, we ask that you report the conduct that led to the contemplated dismissal proceeding on an *educator misconduct complaint form*.

In addition, a school entity can not avoid its reporting responsibilities by entering into a confidentiality agreement, or any other agreement, that restricts its ability to report misconduct to the Department. It bears repeating that a chief school administrator who fails to file a mandatory report under section 9a of the Professional Educator Discipline Act is subject to disciplinary action.

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 *Professional 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

The *educator misconduct complaint form* is available at:

http://www.portal.state.pa.us/portal/server.pt/community/guidelines%2C_policies%2C_complaint_forms%2C_reports_and_related_documents_/8850/educator_complaint_form/529194

The *mandatory report form* is available at:

http://www.portal.state.pa.us/portal/server.pt/community/guidelines%2C_policies%2C_complaint_forms%2C_reports_and_related_documents_/8850/mandatory_report_form/529198

In addition, we 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 Administrator reporting responsibilities. For assistance or if you have any questions, please contact:

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