

SECTION: EMPLOYEES

TITLE: EDUCATOR MISCONDUCT

ADOPTED: January 13, 2015

REVISED:

# BERMUDIAN SPRINGS SCHOOL DISTRICT

| 317.2. EDUCATOR MISCONDUCT  |  |
|---|--|
| <p>1. Purpose</p>   | <p>The Board adopts this policy to promote the integrity of the education profession and to create a climate within district schools that fosters ethical conduct and practice.</p>  |
| <p>2. Authority<br/>24 P.S.<br/>Sec. 2070.1a<br/>Title 22<br/>Sec. 235.1 et seq</p> | <p>The Board requires certificated district employees to comply with the Code of Professional Practice and Conduct and the requirements of the Educator Discipline Act.</p>  |
| <p>3. Definitions<br/>24 P.S.<br/>Sec. 2070.1b</p>                                  | <p>Educator - shall mean a person who holds a certificate.</p>   |
| <p>24 P.S.<br/>Sec. 2070.1b</p>   | <p>Certificate - shall mean any Commonwealth of Pennsylvania certificate, commission, letter of eligibility or permit issued under the School Code.</p>  |
| <p>23 Pa. C.S.A.<br/>Sec. 6303</p>  | <p>Sexual Abuse or Exploitation - shall mean any of the following:</p> <ol style="list-style-type: none"> <li>1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:                             <ol style="list-style-type: none"> <li>a. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.</li> <li>b. Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.</li> <li>c. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.</li> <li>d. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.</li> </ol> </li> </ol> |



|   |  |
|---|--|
| <p>Pol. 806</p>   | <p>5. Who has resigned or retired or otherwise separated from employment after a school entity has received information of alleged misconduct under the Educator Discipline Act;</p> <p>6. Who is the subject of a report filed by the school entity under 23 Pa. C.S. Ch. 63 (relating to child protective services); and</p> <p>7. Who the school entity knows to have been named as a perpetrator of an indicated or founded report under 23 Pa. C.S. Ch. 63.</p> |
| <p>24 P.S.<br/>Sec. 2070.9a</p>                         | <p>An educator who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct under the Educator Discipline Act shall report such misconduct to the Pennsylvania Department of Education on the required form, and shall report such misconduct to the Superintendent and his/her immediate supervisor, within fifteen (15) days of discovery of such misconduct.</p>  |
| <p>24 P.S.<br/>Sec. 2070.9a</p>                         | <p>All reports submitted to the Pennsylvania Department of Education shall include an inventory of all information, including: documentary and physical evidence in possession or control of the school relating to the misconduct resulting in the report.</p>  |
| <p>SC 111<br/>24 P.S.<br/>Sec. 2070.9a<br/>Pol. 317</p> | <p>An educator who is arrested or convicted of a crime shall report the arrest or conviction to the Superintendent or designee, within seventy-two (72) hours of the occurrence, in the manner prescribed in Board policy.</p>   |
| <p>24 P.S.<br/>Sec. 2070.9c</p>                         | <p>Failure to comply with the reporting requirements may result in professional disciplinary action.</p>   |
| <p>5. Guidelines</p>                                    | <p><u>Investigation</u></p>  |
| <p>24 P.S.<br/>Sec. 2070.11</p>                         | <p>School officials shall cooperate with the Pennsylvania Department of Education during its review, investigation, or prosecution, and shall promptly provide the Pennsylvania Department of Education with any relevant information and documentary and physical evidence upon request.</p>  |
| <p>24 P.S.<br/>Sec. 2070.11</p>                         | <p>Upon receipt of notification in writing from the Pennsylvania Department of Education, the Superintendent or designee shall investigate the allegations of misconduct as directed by the Department and may pursue its own disciplinary procedure as established by law or by collective bargaining agreement.</p>  |

|                                  |  |
|----------------------------------|--|
| <p>24 P.S.<br/>Sec. 2070.11</p>  | <p>Within ninety (90) days of receipt of notification from the Pennsylvania Department of Education directing the school district to conduct an investigation (extensions may be requested), the Superintendent or designee shall report to Department the outcome of its investigation and whether it will pursue local employment action. The Superintendent or designee may make a recommendation to the Department concerning discipline. If the district makes a recommendation concerning discipline, it shall notify the educator of such recommendation.</p> |
| <p>24 P.S.<br/>Sec. 2070.11</p>  | <p><u>Confidentiality Agreements</u></p> <p>The district shall not enter into confidentiality or other agreements that interfere with the mandatory reporting requirement.</p>   |
| <p>24 P.S.<br/>Sec. 2070.17b</p> | <p><u>Confidentiality</u></p> <p>Except as otherwise provided in the Educator Discipline Act, all information related to any complaint, any complainant, or any proceeding related to discipline shall remain confidential unless or until public discipline is imposed.</p>   |
| <p>24 P.S.<br/>Sec. 2070.17a</p> | <p><u>Immunity</u></p> <p>Any person who, in good faith, files a complaint or report, or who provides information or cooperates with the Pennsylvania Department of Education or Professional Standards and Practices Commission in an investigation or proceeding shall be immune from civil liability. The district also is immune from civil liability for the disclosure of information about the professional conduct of a former or current employee to a prospective employer of that employee.</p>   |
|                                  | <p>References:</p> <p>School Code – 24 P.S. Sec. 111</p> <p>Educator Discipline Act – 24 P.S. Sec. 2070.1a et seq.</p> <p>Pennsylvania’s Code of Professional Practice and Conduct for Educators – 22 PA Code Sec. 235.1 et seq.</p> <p>Child Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq.</p> <p>Board Policy – 317, 806</p>   |