

A SUPERINTENDENT'S DUTY TO REPORT EDUCATOR MISCONDUCT

WHAT TO REPORT

Pursuant to KRS 161.120(3), a superintendent has the duty to make a written report to the Education Professional Standards Board (EPSB) regarding any certified school employee in the superintendent's district:

- whose contract is terminated or not renewed, for cause except failure to meet local standards for quality of teaching performance prior to the employee gaining tenure;
- who resigns from, or otherwise leaves, a position under threat of contract termination, or non-renewal, for cause;
- who is convicted in a criminal prosecution; or
- who otherwise may have engaged in any actions or conduct while employed in the school district that might reasonably be expected to warrant consideration for action against the certificate under KRS 161.120 regardless of local discipline or lack thereof.

WHEN TO REPORT

The report must be made within thirty (30) days of the event giving rise to the duty to report. If the event relates to an educator's criminal conviction, the superintendent must submit a report within thirty (30) days after the superintendent became aware of the conviction.

METHODS OF REPORTING

Superintendents or their designee shall submit reports through the Kentucky Educator Credentialing System (KECS) from the EPSB website at www.epsb.ky.gov.

CONTENTS OF REPORT

KRS 161.120(2)(b) requires that Superintendents provide the EPSB with the full facts and circumstances of the conduct and provide the EPSB with all relevant documents and records in their possession. These records must also be preserved.

CRIMINAL BACKGROUND

Pursuant to 16 KAR 1:030, a superintendent's duty to report shall include the reporting of criminal convictions discovered by the district pursuant to KRS 160.380 even if the conviction occurred prior to the date the educator's certification was issued.

For issues submitting reports, please email:

Cassandra.Rosa-Burgos@education.ky.gov or
EPSBEducatorEthics@education.ky.gov.

FREQUENTLY ASKED QUESTIONS

Question #1: What if my district's investigation is still ongoing within the 30 day duty to report period?

Answer: You should upload all documents currently in your possession in the KECS portal and save the report. As soon as the investigation is complete, it is your responsibility to immediately upload the additional information and submit the complaint.

Question #2: What if I learn about allegations that occurred after the employee resigned from my district?

Answer: The statute requires a report for actions by an employee while they were employed in the superintendent's district that might reasonably be expected to warrant consideration for action against the certificate. If the allegations occurred after the employee left employment, the statute does not require a report, however, a superintendent may report the allegations.

Question #3: Do I have to report criminal charges?

Answer: The statute requires a report after a conviction, however, reports may be made after an employee is charged, and before conviction. The superintendent should include the allegations that led to the criminal charge(s) in the report.

Question #4: What does "might reasonably be expected to warrant consideration for action against the certificate" mean?

Answer: This would include any conduct by a certified employee that may not result in a termination, resignation or conviction, but that may violate KRS 161.120(1)(a) through (o) or the Professional Code of Ethics for Kentucky School Certified Personnel.

Question #5: Do I have to file a report on allegations that have already been reported in the media?

Answer: Yes. You should not assume the EPSB is aware of the allegations. The school district may have the most accurate information regarding the allegations, and EPSB staff will likely need additional identifying information in order to process the complaint.

Question #6: What are examples of relevant documents to include in a report?

Answer: Documents include but are not limited to: Investigative Reports, Investigative Notes, Witness Statements, Disciplinary Letters, Leave Letters, Video Footage, Audio Recordings, Photographs, Uniform Citations, and/or School District Policies.