

## **Educator Misconduct Complaint Procedures and Complaint Form**

### **24 P.S. § 2070.9**

**DATE OF ISSUE:** September 5, 2014

**REPLACES:** Educator Misconduct Complaint Procedures and Complaint Form, BEC 24 P.S. § 2070.9, issued April 9, 2010

### **PURPOSE**

This circular describes the process for filing an Educator Misconduct Complaint, provides a form for doing so, and provides additional related information.

### **BACKGROUND AND AUTHORITY**

The Pennsylvania Department of Education's Office of Chief Counsel is responsible for receiving, reviewing and investigating Educator Misconduct Complaints in accordance with the Educator Discipline Act (24 P.S. § 2070.1a *et seq.*) and supporting regulations (Code of Professional Practice and Conduct, 22 Pa. Code, Chapter 235; Definitions of Statutory Terms, 22 Pa. Code, Chapter 237; Professional Standards and Practices Bylaws, 22 Pa. Code, Chapter 233). The Office of Chief Counsel is further responsible for prosecuting formal disciplinary charges before the Professional Standards and Practices Commission. To view a copy of the Educator Discipline Act and more specific information related to the educator misconduct complaint process, visit the Professional Standards and Practices Commission.

The professional discipline process is initiated by the filing of an Educator Misconduct Complaint with the Office of Chief Counsel. An Educator Misconduct Complaint may be filed by any interested party in writing on the form prescribed by the Department of Education against Pennsylvania educators. A complaint may be filed about any person who holds a public or private academic school certificate, any person who is employed in a charter or cyber charter school in a position for which certification would be required in a traditional public school, and contractors who contract with a school entity to provide direct educational services to students and who would be required to hold a certificate in a public school. Persons who are not educators such as bus drivers, paraprofessionals, custodians, support staff and volunteers may not be the subject of an Educator Misconduct Complaint.

### **PROCEDURES**

#### **Filing a Complaint**

Any interested party may file an Educator Misconduct Complaint about an educator. It is recommended, however, that when appropriate, individuals consider addressing their concerns and issues with the local school entity prior to filing a complaint with the Department.

The following information must be included in every Educator Misconduct Complaint:

- The complainant's name and contact information, including current mailing address and daytime telephone number;
- Information to identify the educator, including the educator's full name, available contact information, employing school entity, and position in the school entity if currently employed;
- Detailed description of educator's misconduct, including the date or dates on which the conduct occurred;
- Copies of documents that support the complaint (do not send originals) (*e.g.*, police reports, court records, medical bills, emails, text messages, correspondence); and
- Information related to any other complaints filed with other agencies (*e.g.*, school district or charter school, police, children and youth services).

In completing the Educator Misconduct Complaint, it is very important to be specific and to include the following information when describing the professional misconduct: What happened? Who was involved? When did the conduct occur? Where did the conduct occur?

The Educator Misconduct Complaint must be signed and verified subject to the penalties relating to unsworn falsification to authorities set forth in 18 Pa.C.S. §4904. The completed complaint form and related materials must be sent to the address found on the Educator Misconduct Complaint.

### **Confidentiality**

The Educator Discipline Act provides that the educator misconduct complaint process is confidential and that any unauthorized release of confidential information is a misdemeanor of the third degree. 24 P.S. § 2070.17. Please be advised that all information relating to complaints must remain confidential unless or until public discipline is imposed. Thus, the filing of an Educator Misconduct Complaint, the Department's investigation of a complaint and the disposition of the complaint prior to the imposition of public discipline, as well as any and all information learned as a result of the Department's investigation, is strictly confidential.

### **REFERENCES:**

Purdon's Statutes:

24 P.S. §2070.1b  
 24 P.S. §2070.9  
 24 P.S. §2070.10  
 24 P.S. §2070.17  
 18 Pa.C.S. §4904

### **ATTACHMENTS:**

[Educator Misconduct Complaint Form \(PDE-348\)](#) \_\_\_\_\_

### **CONTACT BUREAU/OFFICE:**

Pennsylvania Department of Education  
 Office of Chief Counsel  
 333 Market Street, 9<sup>th</sup> Floor

Harrisburg, PA 17126-0333  
Phone: (717) 787-5500; Fax: (717)783-0347