Guidance to State Educator Licensing Agencies Regarding Federal Efforts to Strengthen Student Protection

Dear Colleagues:

The U.S. Department of Education (USDOE) recently announced a renewed national effort to address sexual misconduct by adults in positions of authority within K–12 schools and to eliminate the practice of allowing an educator or school employee who is accused of misconduct to resign, retire, or otherwise leave employment without a thorough investigation or appropriate reporting. Such departures may enable the accused to seek employment elsewhere without the receiving employer being aware of the allegations or findings.

As part of this initiative, the U.S. Department of Education's Office for Civil Rights (OCR) has indicated that it will increase enforcement activities, including directed investigations of school districts where concerns have been identified. The Department has emphasized that schools have an obligation under federal law to respond promptly and appropriately to allegations of sexual misconduct involving students and adults in positions of authority. The Department has also made clear that allowing an employee to separate from employment before an investigation is completed does not relieve a school district of its responsibilities.

State educator licensing agencies play a critical role in protecting students and preserving public trust in the education profession. Accordingly, licensing agencies may wish to review their existing statutes, regulations, policies, and procedures to determine whether they adequately support the timely investigation, reporting, and resolution of allegations involving educator misconduct. Particular attention should be given to requirements regarding mandatory reporting by school districts, reporting of resignations during pending investigations, notification of licensing authorities when allegations involve potential misconduct affecting licensure, and the agency's authority to investigate and take disciplinary action independent of employment decisions.

Licensing agencies should also consider evaluating whether current laws and policies create barriers to information sharing among school districts, state agencies, and educator preparation programs. Agencies may wish to assess whether additional statutory or regulatory authority is needed to ensure that relevant information can be appropriately considered during licensure decisions while maintaining compliance with state and federal privacy requirements.

In addition, agencies are encouraged to communicate with school districts and other employing authorities regarding their responsibilities under both federal and state law. School districts should understand the importance of conducting thorough investigations, documenting findings, making timely reports when required, and avoiding employment practices that could inadvertently enable individuals who pose a risk to students to move undetected between schools, districts, or jurisdictions. Districts should also be reminded of their obligations to cooperate with state licensing investigations and to provide accurate and complete information when requested.

At the same time, all actions taken in response to allegations of misconduct must protect the rights of every individual involved. Students who report misconduct should be treated with dignity and respect and provided appropriate protections and support services. Parents and guardians should receive information consistent with applicable law and district policy. Educators and other employees accused of misconduct must be afforded due process, including notice of allegations, an opportunity to respond, and a fair and impartial review of the evidence. School leaders should also recognize the impact that investigations may have on other students, educators, and staff members and take steps to maintain confidentiality to the greatest extent permitted by law.

Licensing agencies should review their investigative processes to ensure that they are timely, thorough, impartial, and consistent. Investigations should focus on gathering relevant facts, evaluating evidence objectively, and making determinations based on established standards and procedures. Agencies may also wish to evaluate whether current policies provide adequate guidance regarding interim measures, emergency actions when student safety is at risk, coordination with law enforcement, and communication with employing authorities.

NASDTEC Resources to Support Prevention, Education, and Professional Accountability

While effective reporting, investigation, and enforcement mechanisms are essential, prevention remains the most effective strategy for protecting students and maintaining public trust in the education profession. NASDTEC encourages state licensing agencies to support proactive efforts that help educators understand their ethical responsibilities, recognize warning signs, and maintain appropriate professional boundaries with students.

To assist states, educator preparation programs, school districts, and individual educators, NASDTEC has developed several resources that may be incorporated into prevention, training, and professional learning initiatives:

- **Model Code of Ethics for Educators (MCEE)**

  The Model Code of Ethics for Educators (MCEE) serves as a nationally recognized framework for ethical decision-making and professional conduct. Developed through a collaborative effort involving educators, state leaders, and professional organizations, the MCEE provides guidance on professional responsibility, ethical relationships with students, responsible use of technology and social media, confidentiality, and maintaining appropriate educator-student boundaries. States and districts may find the MCEE valuable as a foundation for professional learning, and educator preparation programs.

- **Power of Professional Conversations**

  The Power of Professional Conversations resource was developed to help educators, school leaders, and preparation program faculty engage in meaningful discussions about ethical dilemmas and professional responsibilities. Through facilitated conversations and real-world scenarios, participants can examine challenging situations before they arise in practice, strengthening their ability to recognize concerns and make sound professional judgments.

- **Ethical Decision-Making Support for Educators AI Chatbot**

NASDTEC, through the National Council for the Advancement of Educator Ethics (NCAEE), offers the Ethical Decision-Making Support for Educators AI Chatbot, available at chat.educatorethics.org. This recently released chatbot provides educators, preparation candidates, administrators, and other education professionals with immediate access to considerations grounded in the Model Code of Ethics for Educators when facing ethical dilemmas. Users can explore ethical scenarios, examine potential consequences of various actions, and receive support in applying ethical principles to professional decision-making. While not a substitute for legal advice or district policy, the chatbot serves as a valuable educational and reflective tool.

- **NASDTEC Academy: Prevention and Correction Course**

  NASDTEC Academy offers the Prevention and Correction course, which focuses on professional ethics, educator conduct, prevention strategies, boundary awareness, and corrective actions when concerns arise. The course can be utilized as part of educator preparation, induction programs, continuing professional learning, or remediation plans resulting from disciplinary actions. States may wish to encourage districts and educator preparation programs to incorporate this training into their professional development offerings.

- **Protection of Professional Boundaries Act Model Language**

  Recognizing the importance of clear expectations regarding educator-student relationships, NASDTEC's Executive Board approved the Protection of Professional Boundaries Act Model Language on October 20, 2023. This model legislative framework provides states with language and concepts designed to strengthen protections for students, clarify prohibited conduct, establish reporting expectations, and reinforce professional boundaries between educators and students. Licensing agencies may wish to review the model language as they evaluate existing statutes, regulations, and policies related to educator conduct and student protection.

Additional Prevention Strategies

State agencies may also wish to encourage school districts and educator preparation programs to:

- Provide annual training on professional ethics, educator misconduct prevention, and appropriate educator-student boundaries;
- Establish clear reporting channels for students, parents, and school employees;
- Promote awareness of social media and electronic communication risks;
- Incorporate ethical decision-making and professional conduct expectations into educator preparation and induction programs;
- Utilize case studies, ethical dilemma discussions, and scenario-based learning to reinforce professional expectations;
- Foster a culture in which concerns can be raised without fear of retaliation and where student safety remains a shared responsibility;

- Join NASDTEC as Associate Members and obtain access to the Educator Identification Clearinghouse.

Together, these resources support a comprehensive approach that combines prevention, education, reporting, investigation, and accountability. By investing in proactive professional learning and ethical awareness, states and school systems can reduce the likelihood of misconduct, strengthen professional practice, and better protect students while preserving the integrity of the education profession.

Educator Identification Clearinghouse

State licensing agencies also play a critical role in maintaining the effectiveness of the NASDTEC Educator Identification Clearinghouse. As you know, the Clearinghouse serves as a nationwide repository of educator disciplinary actions and adverse licensure decisions reported by participating jurisdictions. By providing timely and accurate information regarding educator discipline, the Clearinghouse helps states identify individuals whose professional conduct may warrant further review during licensure, certification, or employment processes.

Given the U.S. Department of Education's heightened focus on preventing the movement of individuals who may pose a risk to students from one school system or state to another, it is particularly important that licensing agencies ensure disciplinary actions are reported to the Clearinghouse promptly and in accordance with established reporting procedures. Agencies should also encourage school districts and other qualifying employing authorities to join NASDTEC as Associate Members and to understand the role the Clearinghouse plays in protecting students and supporting informed employment and licensure decisions.

In addition to timely reporting, agencies are encouraged to review their internal procedures, ensuring that disciplinary records are complete, accurate, and updated when actions are modified, overturned, reinstated, or otherwise changed. Maintaining current and reliable records strengthens the value of the Clearinghouse as a student protection tool and supports greater confidence in interstate educator mobility decisions.

States should also consider reviewing their statutes, regulations, and policies to determine whether mandatory reporting requirements, disciplinary procedures, and information-sharing practices fully support the use of the Clearinghouse as part of a comprehensive educator misconduct prevention framework. Regular use of the Clearinghouse during licensure reviews, investigations, and employment screening processes can help reduce the likelihood that individuals with serious misconduct histories move undetected between jurisdictions.

The effectiveness of the Clearinghouse depends upon the collective commitment of participating jurisdictions to provide complete, accurate, and timely information. Maintaining and utilizing the Clearinghouse consistently is one of the most important actions states can take to support student safety and strengthen public trust.

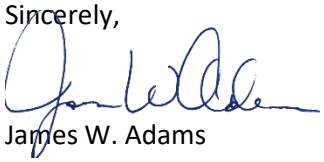
The recent federal actions may underscore a broader commitment to student safety, professional accountability, and public confidence in the education profession. State licensing agencies have long served as a critical component of this work. By reviewing existing frameworks, strengthening reporting

and investigative practices where appropriate, and communicating expectations clearly to school districts, agencies can help ensure that students are protected while also preserving the rights and due process protections afforded to all parties.

NASDTEC will continue to monitor developments related to this initiative and share additional information and resources as they become available. We encourage agencies to consult with legal counsel and relevant state authorities when considering any statutory, regulatory, or policy changes.

Thank you for your continued leadership and commitment to ethical professional practice and student protection.

Sincerely,



James W. Adams
Executive Director
NASDTEC