

Timeline for Responding to Allegations of Employee Misconduct

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Where to Begin – Consider Your Stakeholders	<p>1. Identify local entities with relevant roles and duties:</p> <p>Create a plan to address stakeholder concerns and facilitate communication</p>
Before an Incident or Allegation – Be Prepared	<p>2. Prepare before a situation arises:</p> <p>Establish relevant policies and administrative guidelines. Have a pre-employment screening process.</p> <p>Provide training to all employees, key administrators, and counselors.</p> <p>Establish an MOU or other coordinated effort with local stakeholders.</p> <p>3. Understand when reports are necessary:</p> <p>Be aware of the required reports to other agencies.</p> <p>Have a process for addressing unclear information or allegations.</p>
First 48 Hours – Report the Incident or Allegation	<p>4. Report to DFPS:</p> <p>If you have cause to believe a child has been or may be abused or neglected, immediately report to DFPS for priority investigation. See TASB Policies FFH(LEGAL), (LOCAL), and (EXHIBIT). If the report involves an adult with responsibility for the care, custody or welfare of the child, a DFPS report is required even if a report is also made to law enforcement.</p> <p>5. Report to law enforcement:</p> <p>If you have cause to believe that potentially illegal conduct with a child has occurred, stop any questioning by school employees, and immediately report to law enforcement.</p> <p><i>Avoid alerting the potential perpetrator and victim or taking any administrative action that may alert the potential perpetrator or victim prior to the initial investigation by law enforcement and DFPS.</i></p>

<p>After Initial Investigatory Interviews – Respond to the Incident or Allegation</p>	<p>6. Notify parents as soon as feasible. See TASB Policies FFF(LEGAL) and (LOCAL).</p> <p>7. Respond within the school district: Take appropriate employment action (e.g., placing the educator on administrative leave).</p> <p>Report sexual harassment to district Title IX Coordinator and follow local policies to address impact on student. See TASB Polices FFH(LEGAL) and (LOCAL).</p> <p><i>Coordinate any internal investigation with law enforcement and DFPS.</i></p>
<p>After the Incident or Allegation – Employment Decision</p>	<p>8. Take final employment action: Determine whether nonrenewal or termination is appropriate.</p>
<p>Within Seven Days of Separation from Employment – SBEC Reporting</p>	<p>9. Principal report to superintendent: A principal must notify the superintendent within seven business days if an employee’s termination or resignation followed an alleged incident of misconduct.</p> <p>10. Superintendent report to SBEC: If an employee leaves your employment at any point (even before or during an investigation) and there is evidence of misconduct, report to SBEC no later than the seventh business day. Prior to filing the report with SBEC, the superintendent must notify the school board and the employee.</p> <p>For more information, see TASB Legal Services’ article, Reporting Employee Misconduct.</p>
<p>After an Investigation – Follow Up Internally</p>	<p>11. Address community issues related to the investigation, as necessary.</p> <p>12. Do all you can to be certain that perpetrators are not reemployed at other schools: Avoid aiding and abetting employees who have engaged in misconduct.</p> <p>13. Revisit your plan regularly: Debrief and refine school practices with local authorities.</p>

This document is continually updated, and references to online resources are hyperlinked, at tasb.org/services/legal-services/tasb-school-law-esource/personnel/documents/timeline-for-responding-to-allegations-of-employee-misconduct.pdf. For more information on this and other school law topics, visit TASB School Law eSource at schoolawesource.tasb.org.

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