

## Legal Issues and Teacher Licensure

The Kansas State Department of Education (KSDE) requires a fingerprint-based background clearance before they will issue *any* teaching license.

If your criminal history prevents you from completing program requirements, you will not be able to complete your licensure program at KU. Please visit with a lawyer if you have any questions or concerns. KU students can also seek advice from KU Legal Services for Students - <https://legalservices.ku.edu/>

**All teacher education students with ANY prior crime related to KSDE criminal questions (below) should try to get the record officially “expunged” before requesting a background clearance for licensure.** Typically, expungement is allowed 3-5 years after completion of the diversion (varies by court and charge). Criminal history questions on licensure applications vary from state to state, and should be read carefully and answered honestly. Here are the current KSDE questions:

**Please read the following questions very carefully. Failure to accurately answer these questions or submit appropriate documents will delay the issuance of your license. Unless expunged, you are required to disclose both adult and juvenile offenses.**

**12. a. Have you EVER been convicted of a felony?** NO\_\_ YES\_\_

If yes, please attach a certified copy of the charging document and of the journal entry of conviction.

**b. Have you EVER been convicted of ANY crime involving theft, drugs, or a child?** NO\_\_ YES\_\_

If yes, please attach a certified copy of the charging document and of the journal entry of conviction.

**c. Have you EVER entered into a diversion agreement or otherwise had a prosecution diverted after being charged with any felony or any crime involving theft, drugs, or a child?** NO\_\_ YES\_\_

If yes, please attach a certified copy of the charging document, the diversion agreement, and the journal entry closing that case.

**d. Are criminal charges pending against you in any state involving any felony or any crime involving theft, drugs, or a child?** NO\_\_ YES\_\_

If yes, please attach a certified copy of the charging document.

**e. Have you had a teacher’s or school administrator’s certificate or license denied, suspended, revoked or been the subject of other disciplinary action in any state?** NO\_\_ YES\_\_

If yes, please indicate the action taken: denied, suspended or revoked. Which state(s)? \_\_\_\_\_ Please attach a copy of the documents regarding the official action taken.

**f. Is disciplinary action pending against you in any state regarding a teacher’s or administrator’s certificate or license?** NO\_\_ YES\_\_

If yes, please attach a copy of the official documents regarding the action pending against you.

**g. Have you ever been disbarred or had a professional license or state issued certificate denied, suspended, revoked or been the subject of other disciplinary action regarding any profession in Kansas or any other state?**

NO\_\_ YES\_\_

If yes, please indicate the action taken: denied, suspended or revoked. Which state(s)? \_\_\_\_\_ Please attach a copy of the documents regarding the official action taken.

**h. Have you ever been terminated, suspended, or otherwise disciplined by a local Board of Education for falsifying or altering student tests or student test scores?** NO\_\_ YES\_\_ If yes, which district(s)? \_\_\_\_\_ When? \_\_\_\_\_

**i. Have you ever falsified or altered assessment data, documents, or test score reports required for licensure?**

NO\_\_ YES\_\_ If yes, what state(s)? \_\_\_\_\_ When? \_\_\_\_\_

As you read these questions, note that alcohol is not indicated above, so you do not have to report alcohol-related incidents like an MIP (minor in possession), MIC (minor in consumption) or misdemeanor DUI due to alcohol. If any of these appear as your only charge/conviction, you can answer all questions on the Kansas licensure application “no”. A DUI for Drugs or any felony DUI should be reported.

### **WHEN IN DOUBT, REPORT IT!**

**NOTE: Question 12c refers to ALL diversions you EVER had – including juvenile diversions.**

If you:

- assume or have been told your diversion took the crime off your record – it does not.
- are not sure whether you had something expunged, you probably have not.
- assume you don’t have to report it because you were a juvenile – you must report it.
- “forgot” your past record and you don’t reveal it, this is considered dishonesty and creates another issue

### **If you receive a letter from the KSDE Office of General Counsel:**

- follow all directions carefully and submit all documents they request.
- you will need to contact the Clerk of the Court to obtain documents related to your case:
  - **for Convictions-**
    - obtain certified copies of the charging documents (complaint or citation/ticket); and
    - obtain certified copies of the journal entry of conviction.
  - **for Diversions-**
    - obtain certified copies of the charging documents, and
    - certified copy of the diversion agreement; and
    - certified copy of the journal entry of dismissal.
- KSDE may ask you to appear before the Professional Practices Commission (a KSDE committee of working teachers and administrators); and any decision from the Professional Practices Commission will go before the State Board of Education for final action. This process takes time. Having an emergency sub license approved does not guarantee a teaching license will be issued.

### **Advice about getting a record expunged:**

- it’s often a simple process that may not require a lawyer;
- it can take a 4-8 weeks to complete;
- start by contacting the court (county or municipal) where the conviction/diversion occurred OR look for the paperwork on the court website;
- check to see if the time required for an expungement has been completed;
- if it can be completed before you apply for a license, work on completing the expungement ASAP;
- if it cannot be completed before you apply for licensure, REPORT the crime on your hardcopy licensure application and include copies of the court documents.

We encourage you to read and follow the *Kansas Educator Code of Conduct* as well. It is available here: [https://www.ksde.org/portals/0/tla/licensure/ks\\_ed\\_code\\_conduct\\_brochure031014.pdf](https://www.ksde.org/portals/0/tla/licensure/ks_ed_code_conduct_brochure031014.pdf)